



United South and Eastern Tribes, Inc.

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USET Resolution No. 2014:029

SUPPORT FOR THE PASSAMAQUODDY AMERICAN EEL MANAGEMENT PLAN AND TRIBAL REPRESENTATION ON THE EEL ADVISORY BOARD TECHNICAL COMMITTEE OF THE ATLANTIC STATES MARINE FISHERIES COMMISSION

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the Passamaquoddy people have occupied the area which encompasses their current land bases in Maine and New Brunswick, Canada where they have relied upon marine resources as a source of food, clothing, and commerce since time immemorial; and
- WHEREAS,** the Passamaquoddy Tribe entered into numerous treaties with the Commonwealth of Massachusetts which explicitly recognize its right to harvest marine resources in the Tribe's aboriginal territory; and
- WHEREAS,** the Passamaquoddy people have exercised their recognized right to harvest marine resources for ceremonial, sustenance, and commercial purposes; and
- WHEREAS,** the Passamaquoddy Tribe has licensed Tribal citizens to harvest marine resources since the 1980s and has entered into cooperative fisheries management agreements with other Indian Tribes in exercise of these treaty rights; and
- WHEREAS,** in 2013, the Joint Tribal Council of the Passamaquoddy Tribe ("Tribe"), representing the Passamaquoddy communities of Indian Township, Pleasant Point, and St. Andrews, approved the Passamaquoddy American Eel Management Plan ("Passamaquoddy Plan") to regulate the harvest of the American eel for ceremonial, sustenance, and commercial purposes; and
- WHEREAS,** the Passamaquoddy Plan is among the most comprehensive and conservative plans for the protection of the American eel in the United States (U.S.) and combines traditional knowledge of the species with marine resources conservation methods utilized for fishery management plans around the world; and
- WHEREAS,** the Passamaquoddy Plan mandates that the Tribe's aggregate harvest of glass eels, a juvenile life stage of the American eel, shall not exceed an established Total Allowable Catch ("TAC") limit, which was set at 3,600 pounds for the 2013 season; and
- WHEREAS,** the Atlantic States Marine Fisheries Commission (ASMFC), a quasi-federal entity that U.S. Congress charged with jurisdiction over marine resources on the East Coast, has determined that

the American eel population is “depleted” because of increased pressure on the resource that has resulted in elevated levels of take, destruction of habitat, and an inability of the species to follow natural mating and migration patterns; and

WHEREAS, the ASMFC’s American Eel Management Plan (“ASMFC Plan”) recognizes the “cultural and spiritual importance” of the American eel to Tribes that have subsisted off its harvest since time immemorial; and

WHEREAS, the State of Maine’s American eel regulatory structure is dictated by the ASMFC Plan; and

WHEREAS, the ASMFC Plan and the State of Maine’s (“State’s”) American eel regulations are currently being revised to implement a TAC, similar to that already instituted by the Tribe pursuant to the Passamaquoddy Plan; and

WHEREAS, differences between the plans implemented by the Tribe, State, and the ASMFC led to avoidable conflict between the State and Tribe during the 2013 American eel season that threatened to infringe upon the reserved treaty rights of the Tribe and threaten to do so again in the 2014 season because the ASMFC is unlikely to adopt a TAC approach prior to the 2014 season as a result of internal gridlock; and

WHEREAS, it was suggested at the Spring 2013 meeting of the ASMFC’s American Eel Advisory Board Technical Committee that the Passamaquoddy Tribe be represented on the Advisory Board to ensure that policy decisions affecting the traditional harvest of American eels properly consider the rights and interests of Native Americans; and

WHEREAS, the Passamaquoddy Tribe has undertaken efforts to reconcile its plan with that of the State and to negotiate an intergovernmental agreement with the State for cooperative management of the American eel fishery and to reduce tensions between the two governments; and

WHEREAS, the State is moving forward with plans to revise its American eel management structures to adhere to directives of the ASMFC in a way that would infringe upon the sovereignty of the Passamaquoddy Tribe and other Tribes who participate in this fishery without proper consultation of Tribal stakeholders; and

WHEREAS, it is critical that the ASMFC’s policy making process, and the policies to be subsequently adopted by all East Coast states, be informed by the traditional knowledge of the American eel that is possessed by Tribes; and

WHEREAS, in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

RESOLVED the USET Board of Directors acknowledges and supports the treaty rights of the Passamaquoddy Tribe with the Commonwealth of Massachusetts, which preceded the State of Maine; and, be it further

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RESOLVED the USET Board of Directors supports the Passamaquoddy Tribe's American Eel Management Plan developed to protect the harvesting of the American Eel for ceremonial, sustenance and commercial purposes.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 6, 2014.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary
United South and Eastern Tribes, Inc.

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