



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2001: 030

Support of Maine Tribes Regarding NPDES Permitting Authority in Indian Country

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising twenty-four (24) 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 State of Maine has applied to the U. S. Environmental Protection Agency (EPA) to take over water pollution permitting authority under the National Pollution Discharge Elimination System (NPDES); and
- WHEREAS,** in its application, Maine has asserted sole regulatory authority over the water pollution within the waters of the Penobscot Nation, the Passamaquoddy Tribe, the Aroostook Band of Micmac Indians, and the Houlton Band of Maliseet Indians; and
- WHEREAS,** the Penobscot Nation, the Passamaquoddy Tribe, the Aroostook Band of Micmac Indians, and the Houlton Band of Maliseet Indians, have opposed the States claim of jurisdiction over Maine Tribal waters; and
- WHEREAS,** the U. S. Department of Interior (DOI) has issued a legal opinion from its solicitors office stating that Maine's request for statewide NPDES permitting authority does not demonstrate adequate authority over tribal lands; and
- WHEREAS,** in its initial delegation the EPA has not included tribal lands but has delayed its final decision regarding NPDES permitting authority on tribal lands in Maine and asked the U. S. Department of Justice (DOJ) and the DOI for legal advice pertaining to Maine's authority to administer the NPDES program affecting Maine Indian Territory; therefore be it
- RESOLVED** the USET Board of Directors calls upon its member tribes, all National Tribal organizations, and tribes across the country to support the Maine Tribes in their effort to protect inherent tribal sovereignty; and, be it further
- RESOLVED** the USET Tribes call upon DOJ, in reviewing this issue, to be mindful of the Federal Government's Trust Responsibility to Indian Tribes and of Federal Indian law which requires any act that diminishes the sovereign rights of Indian Tribes be strictly construed with any ambiguities resolved in favor of the Tribes.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present in Arlington, VA on Thursday, February 1, 2001.

Keller George, President
United South and Eastern Tribes, Inc.

Beverly Wright, Secretary
United South and Eastern Tribes, Inc.

"Because there is strength in Unity"