

**Penobscot Nation Meeting With Office of Management and Budget
Re: RIN 2040-AF59 “Certain Water Quality Standards Applicable to Maine”**

November 18, 2017

I. Background

- A. The Penobscot Nation and the Penobscot River
- B. Penobscot Sustenance and Cultural Practices
- C. The Penobscot Nation’s “Aboriginal Territory” “Centered On” The Penobscot River

II. The Penobscot Nation’s Status as a Federally Recognized Indian Tribe and Congress’s Assurances, As Trustee, In Settling the Tribe’s Historic Land Claims Against Maine In The 1980 Land Claims Settlement Act

- A. The Penobscot Nation is a Sovereign Indian Tribal Government, Not Akin To A Private, Voluntary Organization or To A Municipality Of A State
- B. The Federal Trust Responsibility and the Settlement Act
- C. Congress Confirmed the Tribe’s Sustenance Fishing Right as an “Expressly Retained” Aboriginal Right -- A Time Immemorial Right Never Ceded By Treaty or Extinguished by Congress
- D. Congress Assured the Tribe that its “Cultural Integrity” Was “Protected”
- E. Maine Recognized that the Sustenance Hunting, Trapping, and Fishing Provisions of the Settlement Act Protected the Tribe’s “Traditional Indian Ways”

III. Maine’s Historic Failure to Recognize or Protect the Penobscots’ Reservation Sustenance Fishery

IV. The Federal Government’s Longstanding Exercise of its Trust Responsibility to Protect the Penobscots’ Sustenance Fishery

V. The EPA’s Proposed Water Quality Standards Constitute The Lawful and Proper Exercise of the Federal Government’s Trust Responsibility to Protect the Penobscot Nation’s Right to a Meaningful Sustenance Fishery