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## **Presentation of LD 1262 "An Act to Authorize Tribal-State Memoranda in the Eel and Elver Fisheries" April 27, 2015**

Good morning Senator Baker, Representative Kumiega and distinguished members of the Joint Committee of Marine Resources, my name is Matthew Dana II. I am the Passamaquoddy Tribal Representative. I am here today to present LD 1262.

Although the title states Eel and Elver fishery, commercial harvest of elvers is only a small part of what the American Eel is. As you all know it is an amazing species and survives against all odds in its remarkable life cycle from the Sargasso Sea, to our Maine waters and back.

This is an important species for Wabanaki people. It provides a food source during its many life stages. I just heard a story the other day, which has been passed down through the generations, of how the Penobscot would travel to Sunhaze Stream during the time of adults eels journey back to the salt water. They would prepare a mixture of berries and plants to create a poison that they would disperse in the water that would stun the eels bring them to the surface for harvest. I am sure that this practice was also done among all the Wabanaki Tribes.

As Tribal people have adapted to survive in modern times, we now sell our eel harvest to provide a living in today's society. In older times we traded and bartered our catch for other needed supplies in addition to what we had taken to eat. Today we do the same only in an updated economy. The eels have provided a much needed resource for many tribal families through out Maine. The reconnection to the eel fishery has provided an income, while bringing Tribal people back to the riverbanks of our traditional fishing grounds.

As Wabanaki people we have been taught by our parents and grandparents of the importance of conservation and that we are stewards of our environment. We know the importance of maintaining the balance of nature and the natural systems. We take only what we need. We give thanks and give back, for taking from the environment causes an imbalance. There are many traditional legends and stories that I have heard from the elders, stressing the importance of conservation and discouraging overindulgence.

In the essence of these teachings, the Passamaquoddy have adopted a Fisheries Management Plan that puts conservation above all else. Within the Management

Plan we have species-specific chapters to balance conservation and harvest of marine species. In this plan we addressed the Total Allowable Catch, or TAC, for the eel harvest, years before the State mandated quota system. We no longer commercially harvest adult breeding eels. As we all know, the most crucial to a species survival is the protection of the breeding females.

The language that is in front of you is not the final language that I would have like to have seen. As you know, I was limited to one revision. I have added an amendment to this bill for your consideration during work session.

A few attempts have been made by the Passamaquoddy Tribe and the Maine Department of Marine Resources to enter into Memoranda in the eel fishery. Only to have it crumble in the last seconds before the season. This bill authorizes the DMR to enter into these agreements with all the Tribes if it so chooses. I have added the language of Federal Act "the Maine Indian Land Claims Settlement Act" of 1980 that requires Tribal Approval for the agreement to take effect.

Both the State and the Tribes have a shared interest of cooperative management of all marine species. Within the Memoranda it is envisioned that a Tribal-State species management committee would be assembled to address the concerns of both the State and the Tribes. Of course, the specifics could be worked out within context of an agreement authorized by passing this bill.

There are many types of State and Tribal Cooperative management agreements throughout the United States. There are many in the Great Lakes region and also in the Pacific Northwest.

While my testimony has been mainly about the American Eel, I would like to see this bill expanded to include all harvested marine species. The Marine species are of great importance to the Passamaquoddy. Passamaquoddy is derived from our word, Peskotomuhkatiyik, meaning "the people who spear Pollock". The marine environment is who we are.

The Maine Indian Tribal State Commission has provided you all copies of their report that documented the conflict between the State of Maine and the Passamaquoddy Tribe over the Salt Water Fishing Rights. The Chair of the MITSC is here and I will allow Ms. Lewey to address that report.

I urge you to support my friendly amendment to this bill and allow the Tribes and the State of Maine to cooperate in the management of Marine Species for the benefit of all Maine people.

Thank you for your time this morning and I am glad to answer any questions you may have at this time.