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**2023-2024 Bi-annual Report on
The Tribal-State Implementation Act
Presented to the 132nd Legislature Joint Standing
Committee on Inland Fisheries and Wildlife**



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Presented on: February 22, 2025

History

This report is submitted pursuant to 5 M.R.S. 11055(2), which requires the Department of Inland Fisheries & Wildlife (MDIFW) to file biennial reports with this Committee describing our implementation of the Tribal-State Implementation Act.

Executive Summary

MDIFW continues to have a working relationship with all the Tribes in Maine. We have had several opportunities for our staff to join in training on Tribal matters from Tribal leaders, engage in peer-to-peer field work, host discussions with other Natural Resource Agency staff across the Country regarding Tribal relations in Maine and beginning in 2023, the Commissioner's Advisory Council has a Tribal member who represents Tribal perspectives.

Background

The Tribal-State Collaboration Act:

In 2022, representatives of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation, and the Governor's Office negotiated the terms of legislation intended to expand economic opportunities for, and improve the welfare of, the Wabanaki Nations and their citizens, and to make structural changes in certain state agency decision-making to promote government-to-government dialogue with the Wabanaki Nations. That legislation established a Tribal-State collaboration process designed to promote meaningful communication on issues of particular significance to the Tribes and their citizens. The Tribal-State Collaboration Act, 5 M.R.S. 11051 *et seq.*, requires 15 agencies identified in the statute to engage in a Tribal collaboration process regarding contemplated programs, rules, or services that substantially and uniquely affect Maine's four federally recognized Tribes or their citizens. The Department of Inland Fisheries & Wildlife adopted its collaboration policy, on December 6, 2022. The Department's Tribal liaison, as required by 5 M.R.S. 11053(3), is Christl Theriault who can be reached at 207-287-1197.

Prior to the Tribal-State Collaboration Act becoming law on August 8, 2022, the Department has had a long-standing relationship with Maine Tribes on a peer-to-peer level. Because nature, wildlife, fisheries and conservation are such a large part of the tribes' cultural heritage, this common thread creates a bond with our agencies' mission and our staff.

Collaboration with Maine Tribes:

MDIFW Advisory Council:

The MDIFW Advisory Council is charged with advancing the Department's mission to preserve, protect and enhance Maine's fisheries and wildlife. As a trustee for fisheries and wildlife across the state, each advisory council member is expected to establish relationships with stakeholders, maintain lines of communications with the public, and help develop common appreciation and support for the Department's programs. 10 councilors represent Maine's 16 counties and the 11th member is a member of a federally recognized Indian nation, tribe or band in the State. The Department's Tribal Government Representative is John Neptune, and he represents all Maine Tribes.

Training-Education in Tribal Affairs:

In March of 2024, MDIFW's Tribal Liaison provided an overview of MDIFW's collaboration with Maine's Tribal Nations at the Northeast Association of Fish and Wildlife Agencies in Massachusetts. This provided the Northeast states an overview of the working relationship between natural resource staff and leaders of Maine's Tribes. The meeting also featured the USFWS Associate Native American Liaison Advisor who provided an overview of Tribal-State-Provincial-Federal relationships.

In October of 2024, three MDIFW staff attended a Tribal training put on by the Wabanaki Health and Wellness Organization. This training focused on the tribe's preference to interact with government entities through face-to-face interaction and at the same leadership level, for example Governor to Governor.

Administrative Collaboration and Support:

Since the inception of the Tribal-State Collaboration Act, MDIFW's tribal liaison and other MDIFW staff have met with natural resource staff and leaders within the Penobscot Nation, the Passamaquoddy and Maliseet Tribes. In addition, MDIFW staff continue to work with the tribes on a variety of matters.

In June of 2024, MDIFW staff met with staff from the Houlton Band of Maliseet Indians at the Maliseet Tribal Headquarters in Littleton, Maine. MDIFW shared the results of the in-stream habitat restoration project on the Meduxnekeag River, Wolostoq-St. John River and the status of the fisheries program as a whole. The Tribe inquired about establishing a registration agent to capture species harvest data; how they can enact their own hunting and fishing regulations and hire a game warden for the Tribe. They also discussed their focus on expanding their land base.

In June of 2024, Fisheries staff organized a meeting between the Maine Indian Tribal State Commission (MITSC) and MDIFW staff to focus on fishing laws. The concept was to bring tribal natural resource staff and MDIFW fisheries biologists together to discuss fishing regulations on MITSC waters. As a result of the meeting, a process was created and agreed to that will ensure collaboration in presenting accurate and understandable regulations to the angling public, and that maintains each group's jurisdictional authorities.

In October 2024, the Fisheries and Hatcheries Division sent a letter of support to the Penobscot Indian Nation regarding their application for the 2025 NOAA, National Marine Fisheries Service Species Recovery Grants for Tribes to secure funding for better capacity to engage in the licensing and compliance process for hydro-electric projects in Maine.

Peer to Peer Field Work:

Our fisheries biologists collaborate with tribal fisheries staff when our agency is conducting population surveys, habitat improvement projects, or when considering a change to management goals and objectives (including rule or stocking program changes) that may impact tribal lands and/or waters.

Currently the Fisheries division is working with the Penobscot Indian Nation and a variety of state and federal partners to conduct a thermal imaging mapping project of the Penobscot River drainage. The project will utilize state of the art infrared technology to map the thermal structure of the river, which will allow for documenting cooler areas that serve as thermal refuge for brook trout and salmon. These thermal refuge areas can then be further protected through additional buffers and other methods in order to provide salmon and brook trout protections in a changing climate.

Our wildlife biologists who work near tribal lands actively coordinate with the tribes on our wildlife management work, including moose, deer, bear, and furbearer management, development of the State Wildlife Action Plan, staff training, veterinarian support, and wildlife disease surveillance and response. We have worked with them to provide wild game meat to tribal members. Additionally, state land acquisition efforts are being considered in areas of the state that are adjacent to tribal lands, which will ultimately help conserve wildlife resources found on or near tribal lands.

Maine Warden Service Advanced School has tribal wardens who attend the advanced warden school with our game wardens which helps foster a collaborative working relationship and assists with joint investigations on or around tribal lands. Additionally, the tribal wardens are often deputized as State of Maine game wardens in accordance with Title 12 §10401.