"I’m often asked ‘What makes you any different from me?’ when I try to explain my Tribe’s inherent rights to hunt and fish our lands. The Treaty of Watertown is what makes me different…”
- Brian Reynolds, Maliseet Tribal Administrator, Houlton Band of Maliseet Indians

Headline News: Hunting & Fishing Rights

Treaties are documents signed between two sovereign nations. All rights of a sovereign nation, including hunting and fishing rights, are retained unless specifically ceded in the treaty- any right not specifically abolished by treaty is retained by the sovereign.

Nationally

Generally, American Indian people have been fiercely protective of their hunting and fishing rights, ensuring in treaties that these rights were not only recognized, but specifically protected. As time passed, the rights of Native people to hunt and fish in “all usual and accustomed grounds and stations” has been challenged or ignored (Article 3, Treaty of Medicine Creek, 1854, ensuring the tribes in Washington state maintained their rights to hunt and fish on ceded tribal territory).

In the early 1960s, tribes around the country began to assert their rights to hunt and fish through “fish-ins” and other non-violent protests. In some states the courts have confirmed Native claims to the natural resources upon which they depend. Today, as sovereign governments, many tribes work with federal fish and wildlife agencies, conservation groups, and sporting clubs to manage resources, access, and the health of wildlife populations and environmental conditions with great success.
The Passamaquoddy and Penobscot tribes have the largest tribally controlled land base in the state, and employ game wardens to assist in wildlife management and to control access. Tribal members from all four tribes can receive lifetime hunting and fishing licenses from the state, excluding licenses awarded through lottery, and are subject to state game laws. The Passamaquoddy and Penobscot have their own game regulations on tribal land, and issue permits to non-tribal members for access to those lands. Subsistence permits for moose are available as well, creating an important cultural link to traditional foods and lifestyle. Elders are often given moose and other native game as part of this program.

The Penobscot River Restoration Project: An Unprecedented Collaboration

"I’m often asked 'What makes you any different from me?' when I try to explain my Tribe’s inherent rights to hunt and fish our lands. The Treaty of Watertown is what makes me different. The agreement that was reached then, in 1776, was supposed to allow me and all my fellow Wabanaki to be able to provide for ourselves in our aboriginal homelands...including hunting and fishing. Besides, we just do things differently. Hunting is a very spiritual activity, one that I pass down to my sons."

-Brian Reynolds Maliseet
Tribal Administrator, Houlton Band of Maliseet Indians

"We don’t have control over hunting and fishing rights on tribal lands, but we want this control. The tribe doesn’t employ a game warden yet. But we never signed away our hunting and fishing rights. There are two treaties from the 1700s that guarantee these rights."
**Richard Dyer, Micmac**  
Aroostook Band of Micmacs

"Hunting and fishing are part of our traditions and part of who we are. We are expanding our hunting and fishing guiding efforts, setting up our own service and certifying our own guides - setting our own standards. This way we can get back to traditional techniques and values because we do things differently than other people. When using tribal guides, people don't care if they didn't get anything because they've learned something different, a different way to view the animals."

**Billy Nicholas, Passamaquoddy**  
Governor, Indian Township

"We have certified guides who lead hunting and fishing trips on tribal lands. Our history goes back to Thoreau for guiding, so we have a long legacy of great guides. Now we are focused on providing hunts that bring people in to experience a Native hunt for moose or bear, and this has been very successful."

**Kirk Francis, Penobscot**  
Chief, Penobscot Indian Nation

*Figure 3 Athion Lewey, Indian Guide, Grand Lake, Maine. Courtesy of Dee Lustusky*
Appendix A

Hunting and Fishing Rights Headlines

**Fishing rights claim rejected:**
Opinion: Large water bodies beyond tribal jurisdiction
By Diana Graettinger - *Bangor Daily News* - April 14, 2000 - The Passamaquoddy Tribe does not have jurisdiction over large lakes and rivers in eastern Washington County, a state Attorney General’s Office opinion concluded Thursday. The Indian Land Claims Settlement Act is quite clear on this point. “The law limits the tribe’s exclusive authority regarding fishing to ‘any pond in which all the shoreline and all submerged lands are wholly within Indian territory, and which is less than 10 acres in surface area.’”

**Passamaquoddy fishing rules plan angers anglers**
By Diana Graettinger - *Bangor Daily News* - April 12, 2000 - Fishermen are stockpiling ammunition rather than fishing gear, Baileyville resident Danny McPhee warned the Town Council Monday night. “You got a lot of people going down to Wal-Murt stockpiling on ammunition instead of fishing gear, and I’m serious.”

**Tribe claims authority over fishing: Passamaquoddy action angers Down East guides, sporting camp owners.**
By Diana Graettinger - *Bangor Daily News* - April 7, 2000 - The Passamaquoddy Tribe has left anglers dangling as they try to determine if tribal wardens can impose fines on fishermen who stray into reservation waters.

The Maine guides at the meeting wondered how the tribal wardens would impose the restrictions and fines. “Let’s tell them our concerns, our feelings and our fears, and let’s hear theirs. Maybe we can come to some kind of compromise.” Guide John Speed suggested.

**Tribal leaders declare emergency in fish dispute**
*CBC News, June 20, 2012* - Three chiefs representing the Passamaquoddy tribe in Maine and New Brunswick have declared a state of emergency in the St. Croix River as a part of an escalation of an ongoing fish dispute. Continue reading >
Appendix B

In Their Own Words

"We have moose permits available for non-tribal members, but they need to hire one of our guides for the hunt. The revenue this generates goes to support tribal sustainability and pays our own people. The guides also create revenue that goes into the community. This is an important link between our traditions and who we are today."

-*Billy Nicholas, Passamaquoddy*
Governor, Indian Township

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Canoes along the shore at the Wabanaki encampment in Bar Harbor, 1881. Wabanaki guides would take summer visitors on hunting trips on Frenchman Bay in their birchbark canoes. Photo by Kilburn Brothers. Courtesy of Dee Lustusky.

"We have our treaty rights to hunt and fish solidified in the Settlement Act. The problem is how fish have been impacted by outside influences, so we can’t fish. We have a body of water around our reservation that’s not fit for fishing. We’re very restricted in terms of how we can practice our right to fish because the fish are not fit to eat."

-*Kirk Francis, Penobscot*
Chief, Penobscot Indian Nation

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"Our people purchased 1,200 acres from a U.S. Department of Agriculture grant, and will be able to use that land for hunting. Right now our people have to follow state hunting and fishing rules and I don’t think that’s good, but we haven’t had time to fight it in court."

-*Victoria Higgins, Micmac*
Chief, Aroostook Band of Micmacs
"Pollution has had an impact on fish. They now have a high level of mercury because Maine is at the end of the pipeline from industry in the Midwest. We have a zero fish consumption policy right now until the levels go down. We have a lab that monitors these levels and keeps data on the health of the fish populations and water. We test water for anyone in the state, not just tribal members".

- **Richard Dyer, Micmac**
  Aroostook Band of Micmacs