

June 27, 2022

The Honorable Rosa DeLauro
Chair, Appropriations Committee
H-307 The Capitol Building
Washington, D.C. 20515

The Honorable Kay Granger
Ranking Member, Appropriations Committee
1036 Longworth House Office Building
Washington, D.C. 20515

Re: Interior Appropriations Bill—H.R. 6707, “Advancing Equity for Wabanaki Nations Act”

Dear Chair DeLauro and Ranking Member Granger:

I am writing regarding the Interior Appropriations bill, which I understand is scheduled to be marked-up on June 29, 2022. It has come to our attention that Section 125 of the Interior Appropriations bill incorporates, by reference, H.R. 6707, “Advancing Equality for Wabanaki Nations Act.” If Section 125 remains in the Interior Appropriations bill, and if the Interior Appropriations bill is enacted into law, then H.R. 6707 will have been enacted into law, too. I am writing to ask that, at the June 29 mark-up, the Appropriations Committee remove Section 125 from the Interior Appropriations bill.

I am Executive Director of the Maine Forest Products Council (“MFPC”) which represents Maine’s forest industry. Maine’s forest products provide over 30,500 direct and indirect jobs in the forest management and wood manufacturing business, covering 8 million acres of forest land. Our members cut across the whole spectrum of forest-related jobs from landowners, loggers, truckers, tree farmers and foresters to paper mills and lumber processors. H.R. 6707 exposes Maine’s landowners and wood manufacturers to a new patchwork of environmental jurisdictions as shared air, water and wildlife resources naturally traverse in and out of these regulatory regimes.

On March 31, 2022, I testified on behalf of MFPC against H.R. 6707. A copy of my written statement is attached. H.R. 6707 would dramatically change the jurisdictional framework between the State of Maine and Maine’s tribes, a framework that was integral to the out-of-court resolution of land claims that the Maine tribes advanced in the 1970’s. Because the parties to the settlement were all sovereign entities—the State of Maine, the tribes, and the United States—the terms of the settlement had to be enacted into law. This was done in two steps—first by the Maine Legislature enacting the “Maine Implementing Act” (“MIA”) and then by Congress enacting the “Maine Indian Claims Settlement Act” (“MICSA”). MIA and MICSA were complementary and interdependent, with MICSA ratifying and approving MIA’s unique jurisdictional framework which was to govern the distinctive and atypical pattern of tribal land-holding that MIA authorized.

When Congress considered MICSA and MIA, it expressly recognized that these statutes were the result of good faith negotiations between the State of Maine and the tribes. At the time

Congress enacted MICSA in 1980, and in the more than 40 years have passed since that time, Congress has always respected the rights and expectations of all parties to the Settlement Acts. It has never attempted to revise MICSA without the agreement of all the parties to the settlement—until now.

H.R. 6707 was introduced and advanced without any notice to the State of Maine to comment or object. Maine Governor Janet Mills, through her Chief Legal Counsel, Gerald Reid, in formal testimony submitted to the Subcommittee on Indigenous Peoples of the United States, of the Committee on Natural Resources, advised that she had not even been given the opportunity to comment on H.R. 6707, and noted further Governor Mills' opposition to it. MFPC respectfully requests the Appropriations Committee to continue Congress's practice of respecting negotiated settlements of Indian claims and not to include H.R. 6707 in the Interior Appropriations bill while the State of Maine continues to object to it.

In addition, MFPC shares Governor Mills' concerns about H.R. 6707. MIA's jurisdictional framework was intended to address the unique tribal landholding pattern that MIA and MICSA authorized. If enacted, H.R. 6707 would gradually supplant MIA's stable jurisdictional framework with the gradual introduction of a hybrid system in which, over time, federal Indian jurisdiction would control. This construct will create multiple regulatory regimes for Maine's forest products industry (e.g., water quality standards for both upstream and downstream environmental permitting.)

All this would lend great uncertainty and expense across the board in the forest products sector, increase costs and place jobs at risk. Therefore, on behalf of MFPC, and for all the reasons stated above, I respectfully ask you to remove Section 125 from the Interior Appropriations bill. I appreciate your consideration of my remarks.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Strauch", with a long horizontal line extending to the right from the end of the signature.

Patrick Strauch
Executive Director
Maine Forest Products Council