

# **The Nature Conservancy in Maine's Commitment to Collaborating with Indigenous Peoples**

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# Introduction

## Indigenous Peoples: In Relation to Land

Since time immemorial, Indigenous Peoples have developed and maintained sophisticated knowledge systems and management practices that define their relationships with their homelands. A common principle amongst Indigenous worldviews is the reciprocal relationship between all life – plants, animals, and humans – and how we all need each other to carry out our unique roles in order to thrive. Decision-making often considers how the actions taken today will impact the next seven generations, noting the long-lasting effects for people and nature.

The historic and modern practices of conservation have suppressed Indigenous knowledge and authority. This has not only had detrimental effects on Indigenous communities, but also on conservation communities, which have not benefited from the deep knowledge and relationship with the land that Indigenous People have had for millennia. When Indigenous communities have the authority to manage lands and waters, it leads to more sustained conservation and stronger, more vibrant human and natural communities. At The Nature Conservancy in Maine (TNC Maine), we recognize that if we are to succeed in our mission to conserve the lands and waters on which all life depends, we must increase tribal decision-making authority, access to lands and waters, and inclusion of Indigenous knowledge in all phases of conservation.

In 2017, The Nature Conservancy (TNC) developed [Strong Voices, Active Choices](#), a framework for partnering with Indigenous Peoples and local communities around the world on shared conservation and sustainable development goals. This voice, choice, and action framework focuses on environmentally sustainable economic development opportunities, securing rights to land and resources, effective multi-stakeholder platforms for decision-making, and strong community and leadership capacity. This framework laid the groundwork for the development of TNC's North America strategy, [Partnering with Indigenous Communities in North America for Lasting Conservation Results](#), which highlights the importance of achieving the cultural and social priorities of Indigenous Peoples while also meeting the needs of conservation. TNC is committed to a human rights-based approach to conservation, standing with Indigenous Peoples as they protect and exercise their rights. In 2020, TNC introduced our [Human Rights Guide for Working with Indigenous Peoples and Local Communities](#) providing tools, resources, and guidance in support of this collaborative work. Most recently, in 2022, TNC updated the original 2017 Voice, Choice and Action Framework releasing VCA Framework 2.0 which builds on our experience, on-going learning and evidence which supports this work as one of the most impactful and enduring actions we can take to protect ecosystems and tackle climate change.

TNC Maine is committed to sustained, informed, and deliberate work with and in support of Wabanaki people towards shared priorities. Wabanaki – “the People of the Dawnland” – are the Indigenous Peoples in what we now call Maine and Canada. In Maine, this includes four federally recognized tribes in five Tribal

communities: the [Mi'kmaq Nation \(formerly the Aroostook Band of Micmacs\)](#), [Houlton Band of Maliseet Indians](#), Passamaquoddy at [Motahkomikuk](#) (Indian Township) and at [Sipayik](#) (Pleasant Point), and the [Penobscot Nation](#). In addition to the federally recognized tribes, historically displaced Abenaki people reside in Maine but lack federal recognition in the US.

Through multiple efforts beginning in 2018 – notably the First Light Learning Journey (more on this initiative below) – TNC Maine staff members are deepening our learning about Wabanaki history and the role of the conservation sector in excluding Indigenous Peoples and their perspectives, practices, and knowledge from land and water protection. As we learn from the past and acknowledge our own shortcomings, we have begun a deep exploration of how we as an organization must approach our work differently; how we can build TNC Maine's competency and capacity to develop projects in collaboration with Tribal partners; and how we can further relationships that will benefit our mutual human wellbeing as well as conservation goals.

*The Nature Conservancy in Maine and the conservation movement at-large have long benefited from the impacts of colonization and land seized from Indigenous Peoples. We recognize the harm we have perpetuated and the privilege we still wield as a predominantly white organization.*

As one of the largest landowners in the State of Maine and as an organization with global capacity, we not only have the opportunity to work with Tribal partners to advance the health of our shared natural world, but we also have the responsibility to do so. By building relationships with Wabanaki people and shifting how we work, TNC Maine is poised to support real change and accomplish tangible, inclusive, and lasting conservation outcomes.

This document outlines four approaches central to our commitment and offers examples from TNC Maine's existing partnerships with Wabanaki communities. Though often referred to as one collective community throughout this document, TNC Maine understands that Wabanaki people bring multiple perspectives, and that each Tribal Nation and the citizen members of each tribe can hold differing or opposing views. Our ongoing learning and deeper collaboration with the Wabanaki people and Indigenous communities will support our efforts to create a world where all people and nature thrive.

## The Maine Context

The history of Indigenous Peoples in Maine is longer and more complex than this document can ever capture. The following brief overview is intended to provide context for the unique circumstances in Maine, and to shine a light on the much-needed learning, relationship-building, and genuine partnerships we have embarked upon.

Wabanaki people have lived in what is now known as the State of Maine for over 12,000 years, where their lifeways have developed alongside and connected to this ecologically unique land and seascape. In response to colonial settlers arriving in Maine in the 1600s and the ensuing loss of an estimated 90% of their population,

Wabanaki from over 20 tribes unified to form the Wabanaki Confederacy including, but not limited to, the Abenaki, Penobscot, Passamaquoddy, Maliseet, and Mi'kmaq people. Wabanaki homeland had become a contested borderland between English and French colonists, both of whom claimed Wabanaki territories as their own. This tension contributed to decades of war and land seizures. Even when Wabanaki participated in securing and protecting land on behalf of the colonists, they did not benefit from these alliances. Political processes such as treaties were often a tool to benefit colonial settler development and expansion while minimizing the inherent rights of the Wabanaki.

Other local Indigenous communities were completely displaced from their original homelands. Abenaki survivors of the 1724 Norridgewock Massacre on the Kennebec River took refuge among the Penobscot and Passamaquoddy communities and the Odanak and Wolinak communities in Quebec. Their descendants include the founders of the [Bomazeen Land Trust](#). The Trust “enables the Abenaki and Wabanaki peoples to renew and resume our caretaking roles for the lands and waters of ndakinna (our land) through rematriation.”

## **The Maine Indian Claims Settlement Act of 1980**

In 1980, the Maine Indian Claims Settlement Act (Settlement Act) set the tone for modern-era Tribal-state relations in Maine. This law resolved claims brought by the United States against the State of Maine for the illegal taking of lands from the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians. The Settlement Act acknowledged that about 12.5 million acres of land in Maine had been illegally taken from the tribes by the State of Massachusetts prior to 1820, and by Maine after gaining statehood through the Missouri Compromise.

The Settlement Act enabled the tribes to buy a small fraction of their ancestral lands back from willing private landowners. The Settlement Act also confirmed federal recognition of the Houlton Band of Maliseet Indians (the Passamaquoddy Tribe and the Penobscot Nation gained federal recognition in the mid-1970s through a series of court decisions). The Mi'kmaq Nation (formerly the Aroostook Band of Micmac) did not achieve federal recognition until the passage of the Aroostook Band of Micmacs Settlement Act in 1991.

Despite this recognition, the Settlement Act prevents the four recognized tribes in Maine from sharing in the same rights and privileges as all other federally recognized tribes; they also do not share the same rights and privileges as each other. The Act's stipulation that “any Federal law enacted after this Act for the benefit of Indians shall not apply with the State of Maine, unless such Act is specifically made applicable” has excluded the federally recognized tribes in Maine from benefits associated with a long list of federal laws, including the Violence Against Women Act, Clean Water Act, and Clean Air Act, which have benefitted hundreds of other federally recognized tribes in the United States.

In listening to our tribal partners, we have heard that the tribes understood the Settlement Act to be a working document, able to change over time. Indeed, the plain language of the Settlement Act says it may be changed by agreement of the Tribes and the State of Maine. However, the State of Maine has insisted that certain aspects of the settlement remain fixed. Today, Wabanaki Tribes strive for self-determination and parity with the hundreds of other tribes that the United States government recognizes as sovereign nations.



In January 2020, the [Task Force on Changes to the Maine Indian Claims Settlement Implementing Act](#), established by joint order of the Maine legislature (HP 1307), [recommended 22 changes](#) to the Maine Indian Claims Settlement Implementing Act (LD2094). These recommended changes were intended to avoid and help settle future disputes between the State and Wabanaki Tribes, to remove some of the barriers preventing the tribes from purchasing land, and to restore Wabanaki Tribes' inherent rights. Those include the rights to regulate hunting, fishing, natural resources, and land use on tribal lands, as allowed by federal law.

The pandemic forced an end to the 129th Legislative Session in 2020 before LD 2094 could be put to a vote. Similar legislation was introduced in the 130th Legislative session in 2021 — LD 1626. LD 1626 sought to recognize the inherent sovereignty of the Wabanaki Tribes in Maine and was supported by a broad coalition of organizations, notably the more than thirty environmental, conservation, and public health organizations that are partners in Maine's Environmental Priorities Coalition (see more about this bill and other legislative priorities below). Unfortunately, LD 1626 did not become law and will likely be reintroduced in some form in 2023 during the 131st Legislative session.

## **Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission**

The removal of Indigenous children from their families and culture was a longstanding practice in North America, originally used by federal, state, and provincial governments as a means to take Indigenous land through forced assimilation. Decades of collective trauma in federally and/or church-run residential and boarding schools had ripple effects on the adoption, foster-care, and orphanage placements of Indigenous children. In 2013, the State of Maine and the five Tribal chiefs signed into creation the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission (TRC) to investigate the removal of Wabanaki children from their communities in a manner that was disproportionate to non-Tribal children, and to make recommendations based on their findings. The TRC was the first in the United States where two parties came together with a commitment to pursue truth, healing, and change, and one of the first in the world to examine Tribal child welfare.

Through a two-year process, including heartrending accounts from dozens of men and women, the TRC learned that in the early 2000s Wabanaki children in Maine entered foster care at, on average, five times the rate of non-Tribal children, and that up to half of the children entering care did not have their Tribal heritage verified. These findings exposed that the State of Maine was still not in compliance with the 1978 Indian Child Welfare Act (ICWA), a federal law which aims to reduce the displacement of Tribal children from their communities and culture. The [TRC's final report](#) in 2015 focused on improvements to Tribal child welfare in Maine, addressing issues of systemic racism, intergenerational trauma, Tribal sovereignty, and cultural genocide.

In 1999, prior to the seating of the TRC, a working group of state child service employees and Tribal child welfare staff was created to make progress toward the State's compliance with ICWA. This working group made tangible improvements to Maine's programs but decided that to ensure lasting change there had to be

a process of truth sharing and healing from Wabanaki experiences with the state's child welfare system. In 2008, the working group decided to create the TRC and renamed themselves [Maine-Wabanaki REACH](#): Reconciliation, Engagement, Advocacy, Change, and Healing (REACH). REACH provided support and guidance to the TRC and has since taken on the responsibility of ensuring the implementation of the TRC's recommendations, with a focus on education, outreach, and trainings to non-Tribal people, as well as truth telling and Wabanaki wellbeing within their communities. REACH seeks to build a broader and stronger community of people who understand the long-term impact of the generational harms done to Wabanaki people since first contact and who are committed to transforming the present-day systems that provide advantages to the dominant culture. The programs offered by REACH have played a pivotal role in TNC Maine's learning to date.

## Wabanaki Territory Today

The resilience of the Wabanaki People is remarkable and evident when considering the atrocities that they have endured, beginning with colonization, and attempted cultural genocide spanning from the 1600s and to the present day. Various federal and state legislation has resulted in land loss, culture loss, poverty, ongoing discrimination, and exclusion from decision-making. Despite these compounded hardships over centuries, the Mi'kmaq, Maliseet, Passamaquoddy, and Penobscot Nations have managed to retain their language,

culture, knowledge, and practice of natural resource stewardship.

There are about 8,700 Wabanaki Tribal citizens in the State of Maine. The lands they directly control currently cover approximately 1.3% of the state. There are approximately 19,675,617 acres of land in Maine, with approximately 251,891 acres in tribal ownership, including reservation, fee, and trust lands. Data gathered in 2021 and 2022 show the following acreage estimates: Mi'kmaq Nation: 3,202 acres; Houlton Band of Maliseet Tribe: 1,450 acres; Passamaquoddy Tribe: 122,539 acres; and Penobscot Nation: 124,700 acres.

In contrast, approximately 4,173,086 acres of land in Maine are in some form of conservation status, which is approximately 21.9% of the state. Close to half of these conserved acres consist of working

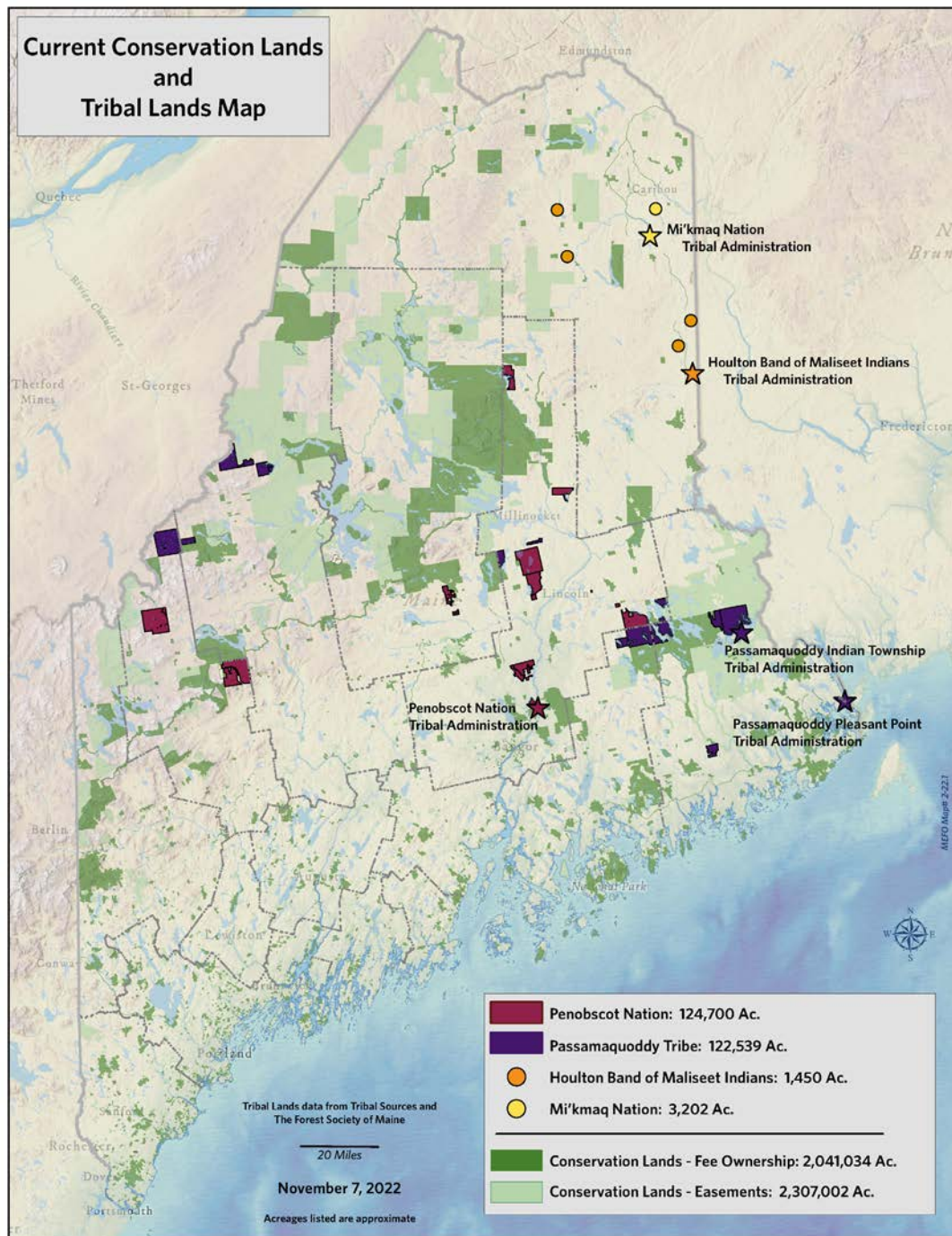
forest conservation easements, primarily restricting development and regulating timber management on privately held forest lands in the northern portion of the state. TNC currently owns approximately 300,000 acres of land in Maine and holds conservation easements on approximately 63,000 acres.

The map below depicts an approximation of conservation lands and tribal lands in Maine as of February

*The Nature Conservancy's primary office in Maine is located at Pejepscot Falls on the Androscoggin River, which was an important gathering place for Wabanaki People before the location was strategically seized by colonial forces to block Wabanaki travel routes and access to critical food sources. Colonists established Fort George at the site, now called Fort Andross, which became Maine's first cotton mill in the early 1800s. This example is akin to many other accounts of strategic seizures of vital Wabanaki places across the waterways and lands of what is now Maine.*

2022. Researching the ancestral homelands of any geography is an important first step in learning about the history of the land and its Indigenous Peoples. One of many resources available to begin this geographic exploration is found here: <https://native-land.ca/>

Each of the federally recognized Tribal Nations maintains its own government, natural resource departments, Tribal historic preservation offices, and health and cultural centers. These are crucial to each tribe's ability to exercise their inherent sovereignty when it comes to the management, restoration, and protection of land and natural resources. Today, Wabanaki people are leading efforts to preserve and restore their language, culture, self-determination, and relationship with lands and waters, while improving the well-being of their people.





# Our Guiding Principles

Respect for people, communities, and cultures is a core value of The Nature Conservancy. Enduring conservation success depends on the active involvement of people and partners whose lives and livelihoods are linked to the natural systems we seek to conserve. We forge relationships based on mutual support and trust. Our work with Indigenous Peoples is no exception, and is furthermore guided by the following principles:

- Trust-building and trustworthiness forms the foundation of our work with Indigenous Peoples.
- Our work respects Indigenous rights and reinforces Indigenous Peoples' efforts towards self-determination and well-being.
- We do not speak for Indigenous Peoples. Working together, we can elevate their voices and priorities and advance our shared goals.
- Our work aims to build rather than burden the capacity of our Indigenous partners.
- Our work aims to restore a reciprocal relationship with nature.
- We approach all this work with persistence and commitment to the time it will require.



# Our Commitment in Action

The following approaches reflect these guiding principles and are based on our current, imperfect understanding. The approaches have been informed by the work we have done to date, and we commit to revisiting this document to adjust and make revisions every two years based on our continued learning and input from our Indigenous partners.

## 1. Increasing Wabanaki Access to and Use of Lands and Waters

The Nature Conservancy is beginning to leverage its network of properties, and professional and financial capacity to increase Indigenous Peoples' access to lands, collaborate on research, restoration, and land management, and launch other joint activities with Indigenous communities. By using our position of comparable power and being transparent in our efforts and intentions, we hope to contribute to the creation of new standards of practice and models for government agencies and land trusts across the United States.

We are committed to working with Wabanaki communities when we consider new land and water acquisitions, when transferring lands out of TNC's ownership, and when we seek to influence government agencies on the management of public lands. By increasing Wabanaki access to and use of lands and waters, we can confront the history and continuing impact of colonization while achieving more effective conservation of the most important places in a changing climate.

*By increasing Wabanaki access to and use of lands and waters, we can confront the history and continuing impact of colonization while achieving more effective conservation of the most important places in a changing climate.*

TNC Maine is committed to facilitating new Tribal land acquisitions and increasing Tribal access to TNC preserves and public and private conservation lands and waters by:

- serving on the [Conservation Community Delegation](#) in service to the [Wabanaki Commission on Land and Stewardship, Nil yut ktahkomiq nik](#), and being a liaison to the larger conservation community;
- supporting the capacity and priorities established by the Wabanaki Commission;
- supporting land acquisition priorities for each of the Wabanaki Tribes in Maine, potentially including transfers of TNC Maine preserves;
- supporting conservation, restoration, and natural resource management priorities for each of the Wabanaki Tribes in Maine; and
- establishing mechanisms to increase access to TNC Maine preserves and other lands for Wabanaki harvest and/or other cultural purposes (e.g., cultural use agreements or co-management).

The mission of the Wabanaki Commission on Land and Stewardship *Nil yut ktahkomiq nik* (the whole earth is our home) is to “improve the health and well-being of Wabanaki people through sustained effort to expand our access, management, and ownership of lands to practice our land-based cultures across Wabanaki homeland in what is now the State of Maine.” The Commission includes two Chief-appointed representatives from each of the five Tribal communities as well as three Commission staff members. The Commission works in collaboration with the conservation community to create a movement inclusive of Wabanaki knowledge and perspective.

As the partnerships and projects between conservation organizations and Tribal Nations continue to grow (specifically related to sharing access to land and water), so do the models for collaboration and examples of successful tools and approaches. TNC Maine can build upon these efforts by sharing lessons learned and seeking out other examples of collaboration both here in Maine and throughout North America. One of the outcomes of the work of the First Light Learning Journey and the Conservation Community Delegation is the development of a [resource library](#) of potential tools for conservation organizations to use in collaboration with Indigenous partners. The resources include examples of cultural use agreements, recommended language to include in conservation easement templates, and ash harvesting permits, for example. The Nature Conservancy created a first draft of a document called, “Indigenous Landscapes & Communities Strategy: Considerations for TNC Preserves,” in June 2021 with the support of over 30 colleagues throughout the organization, including staff in Maine. This document begins to explore the ways that we tell the stories of our preserves, consider cultural inventories, and find ways to share access to TNC lands, such as creating mutual agreements about access to TNC preserves, exploring co-management of our lands, and transfer of our lands into tribal ownership. (See Building Competence & Capacity to Partner with Wabanaki People below for more about the Commission, Delegation, and First Light.)

We are actively exploring the potential for transfer of some existing TNC land in Maine to Wabanaki people. While transfers of property from TNC to land trusts and state and federal government has been common for decades, transferring lands to Tribes is new for TNC Maine. An initial effort underway now is an analysis of our portfolio of properties to summarize existing legal restrictions, constraints, and ecological values prior to beginning conversations regarding potential transfer and/or sharing access or co-management. TNC Maine is actively collaborating with Wabanaki communities and other conservation partners in exploring additional opportunities to participate in restoring lands to Wabanaki people. We look forward to moving forward in partnership with Wabanaki people on all of these strategies in coming years.

One of the best ways to build relationships and trust is spending time on the ground together envisioning the future. In October 2021, TNC Maine welcomed representatives from all the Wabanaki Tribes federally recognized in Maine on a field trip to the Crystal Bog Preserve in Aroostook County. Together we walked into the forest surrounding the wetland to scope the suitability of brown ash for harvest by basket makers. Although we learned through the deep knowledge of Wabanaki basket makers that the ash at the preserve is not of basket quality, we began a discussion about possibilities for sharing resources. In time we hope to find places on our preserves that do offer suitable harvest of culturally significant resources such as ash, birch, spruce, or sweetgrass, for example. We have also committed to a collaboration between TNC Maine



and Indigenous-led research at the University of Maine relevant to inventory and health of brown ash, seed collection and storage methods, and the impacts of the emerald ash borer.

Another initiative in progress is on the Skutik or Schoodic River, renamed the St. Croix River, which is an international boundary watershed between the United States and Canada in the heart of Passamaquoddy Tribal homeland. Passamaquoddy Tribal leaders have shared with us the critical need and tremendous opportunity to restore connectivity of this important waterway, which could return Indigenous food, fish, and wildlife such as Atlantic salmon, shad, blueback herring, alewife, and American eel to their homelands. Similar opportunities are emerging, for example in the Wolastoq (St. John) River, centering tribal priorities around river and stream restoration. TNC Maine remains in ongoing discussions with the tribes and other partners about potential roles in support of this work.

See the Case Studies below about the restoration of the Penobscot River and returning Kuwesuwi Monihq (Pine Island) to the Passamaquoddy Tribe.

## **2. Strengthening Authority and Self-Determination of the Wabanaki Tribes**

A growing body of knowledge and case studies from around the world, as well as The Nature Conservancy's own experience, demonstrates that when Indigenous Peoples have the authority to manage lands and waters, there are better outcomes for communities and nature. However, Indigenous Peoples across North America have been excluded from or under-represented in decision-making processes that directly impact their well-being that in turn impacts the health of the land.

Around the world, the Conservancy is committed to supporting Indigenous Peoples in demonstrating new models of Indigenous conservation at scale. At the local, state, regional, provincial, and national levels, we are collaborating with Indigenous Peoples and governments to develop and inform policies that will protect and restore important ecosystems while strengthening Indigenous Peoples' roles in decision making.

TNC Maine is committed to strengthening the authority and self-determination of the Wabanaki Tribes of Maine by:

- supporting and advancing state and federal legislation to recognize the inherent sovereignty of the Wabanaki Tribes;
- recognizing and supporting Wabanaki environmental and cultural priorities; and
- encouraging opportunities for Wabanaki representation and leadership in conservation efforts.

In January 2020, the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act was established in the First Regular Session of the 129th Maine Legislature. Their work resulted in 22 consensus recommendations to amend the Maine Indian Claims Settlement Implementing Act, which were ultimately



captured in LD 2094 (see Settlement Act description in previous section). The Nature Conservancy in Maine was [an early supporter of LD 2094](#), a position which aligns with TNC's Indigenous Peoples strategies at the Global and North America levels, and which was important for our deepening partnerships with the Wabanaki Tribes in Maine.

As the pandemic forced an end to the 2020 legislative session before LD 2094 could be put to a vote, similar legislation was introduced in the 130th Legislative session—LD 1626. The legislative process and LD 1626 sought to restore the inherent sovereignty of the Wabanaki Tribes in Maine, and support has grown to

***The Nature Conservancy in Maine recognizes the inherent sovereignty of Wabanaki Tribes and the reality that they currently have a different, more restrictive status than the other federally recognized Tribes in the United States.***

include a broad coalition of organizations from across the conservation community. LD 1626 received an initial public hearing in May 2021 and [TNC testified in support](#) alongside [more than 200 individuals and organizations](#) who spoke or submitted written comments. Only five written comments were submitted in opposition to LD 1626. Ultimately, the bill was carried over into the Second Regular Session of the 130th Maine Legislature, with a second public hearing held in February 2022. The broad and growing coalition of organizations and individuals in support of this bill

provided public comment and a monumental 1,800 individual pieces of testimony, resulting in a hearing that lasted 9 hours. Those in support included many of the 50 conservation organizations, individuals, and funders who have participated in the First Light Learning Journey. LD 1626 passed out of the Judiciary Committee with the support of eight legislators on that committee.

Throughout the Legislative session, Governor Mills indicated that she opposed LD 1626 and preferred to continue working with Tribal Leaders on more limited changes. Governor Mills put forward an alternative bill, LD 585, which did not amend the Settlement Act, but created a formal State-Tribal collaboration process for policy making, provided some tax relief to Tribal members and Tribal businesses, and gave Wabanaki Tribes the opportunity to benefit from online sports wagering. The Wabanaki Tribes remained steadfast behind their priority bill, LD 1626, and resisted efforts from policy makers and the Governor's office to shift their focus wholly to LD 585. The tribes supported both bills and were unwilling to condition their support for either bill.

LD 585, the Governor's bill, ultimately passed both the House and Senate with "simple majority" votes and was signed and enacted by Governor Mills. LD 1626 passed the House with a majority vote of 81 in support, 55 in opposition. Unfortunately, while a majority of House members supported the bill, there was not the 2/3 support necessary to override the potential veto from Governor Mills. LD 1626 remained in the public eye through the very last days of the 130th Legislative session, but ultimately did not move forward to the Governor's desk. Legislative leadership had to weigh whether to pass the bill with simple majorities from both bodies and send it to the Governor's desk for a veto or let the bill lapse without a veto when the 130th Legislature adjourned. LD 1626 remained unfinished when the Legislature adjourned, rendering it effectively

dead. We anticipate a version of this bill will be reintroduced in the 131st Legislative Session, which starts in January 2023.

In addition to LD 1626, TNC actively supported three other bills that were priorities for the Wabanaki Tribes:

- [LD 906, An Act to Provide Passamaquoddy Tribal Members Access to Clean Drinking Water](#). Sponsored by Representative Newell, a Passamaquoddy Tribal Representative, it passed the Legislature and was signed by the Governor.
- [LD 1907, An Act to Review State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki Tribes](#). Ultimately the Judiciary Committee needed more time to tweak this bill so Tribal Leaders asked the bill sponsor to pull and then revisit the legislation in the 131st Legislature.
- [LD 1921, Resolve, Authorizing the State to Convey to the Passamaquoddy Tribe the State's Interest in a Parcel of Land in the Town of Meddybemps](#). LD 1921 passed the Legislature and became law.

In 2021, TNC Maine also provided written testimony in support of two bills LD 342 & LD 361, which established a permanent appointment of a Wabanaki Tribal representative on both State of Maine Marine Resources and Inland Fish and Wildlife Advisory Councils. Both bills are now state law and ensure the vast experience and knowledge of Wabanaki people is included in discussions and decisions about Maine's natural resource laws and management.

Parallel to these legislative efforts, the tribes in Maine have established the [Wabanaki Alliance](#). The Alliance includes representatives from the Mi'kmaq Nation, Houlton Band of Maliseet, Passamaquoddy Tribe, and Penobscot Nation, and was formed to “educate people of Maine about the need for securing sovereignty of the tribes in Maine.” TNC Maine is committed to learning from the Wabanaki Alliance and identifying ways we can support their legislative priorities. We can lend support by testifying on legislation, talking with elected officials about policy priorities and opportunities, and educating our partners and community.

More broadly, we recognize our role and responsibility to support adequate Tribal representation and voice when we are participating in decision-making processes regarding natural resources. We acknowledge that this responsibility touches down in spaces well beyond legislative councils. Our commitment extends to these spaces, especially where TNC Maine has a seat at the table, such as in conservation planning, initiative development, and collaborative project prioritization processes.

### **3. Transforming the Definition and Practice of Conservation by Integrating Indigenous Knowledge and Perspectives**

A common tenet among Indigenous worldviews is that people and nature have a reciprocal, symbiotic relationship with each other. It is an awareness that all lifeforms—plants, animals, and humans—are “kin” and need one another to carry out their unique roles in order to thrive. Land and water, too, are considered relations. This “kincentric” worldview is an essential perspective on ecology and conservation. Western science has only recently advanced the understanding of the evolution and history of such relationships. Given

the challenges we are facing—a global climate crisis on an increasingly crowded and degraded planet—the stakes are too high to exclude these knowledge systems from each other. This complementary approach is increasingly referred to as “two-eyed seeing,” the ability to see strengths in combining Western and Indigenous knowledge.

Given the Conservancy’s influence in conservation and natural resource management, we are well-positioned to collaborate with Tribal partners to build examples and models of what two-eyed seeing might look like in practice here in Maine. We aim to focus on collaboration with Indigenous organizations and leaders to co-develop, pilot, and support new approaches and processes for developing shared understandings and approaches to conservation science, strategies, and practices. Doing so can advance more inclusive conservation that achieves shared objectives and more enduring outcomes, while building a stronger constituency for conservation.

As an early step, in 2021 TNC contracted with Wabanaki Youth in Science (WaYS), a non-profit organization focused on integrating technology science and traditional culture and closely associated with the University of Maine, to do a literature review showing examples of “two-eyed seeing” and identify thought leaders around

***Intentionally welcoming an Indigenous perspective requires a deliberate approach to systemic organizational change.***

the country. That fall, WaYS special project coordinator Tish Carr shared a summary report of research exploring examples of weaving together Indigenous and western knowledge and highlighting the importance of dialogue and integration at the outset of collaboration.

In seeking to expand this learning, TNC Maine is committed to establishing and supporting the co-

creation of research and conservation practices that are inclusive of Indigenous knowledge and worldviews and elevate Tribal communities as leaders in conservation by:

- establishing pathways to engage Wabanaki cultural advisors early on during key conservation projects, collaborative research, and data management, including support of cultural resource inventory work throughout the state (brown ash, sweetgrass, etc.);
- collaborating with WaYS to build capacity for engaging Wabanaki youth and young adults in science, conservation research and employment (this could include internships and/or support of cultural knowledge sharers who are paired with youth throughout their education);
- coordinating with the University of Maine to support Wabanaki-led research projects and researchers (such as graduate work underway at the University of Maine to inventory, collect, and store brown ash seed in Maine);
- implementing Land Acknowledgements at gatherings when appropriate; and
- including Wabanaki acknowledgement, history, and place names on TNC Maine produced materials (preserve signage, media, publications, etc.).

## 4. Building Competence & Capacity to Partner with Wabanaki People

There are significant opportunities for TNC Maine and Wabanaki people to support our mutual interest in a future where people and nature thrive. Building knowledge and understanding of historic and current realities and strengthening the skills and capacity of TNC Maine staff to work in partnership with Wabanaki people is a critical first step, and an effort that is underway. Core to this commitment is our recognition of present-day systems that provide advantages to TNC as a trusted organization within the dominant culture, and the ways in which these systems perpetuate lack of voice, choice, and action for Indigenous Peoples in conservation.

We have come to understand that our commitment to this work is central to all we do in Maine. We have a responsibility to transform our organizational competency and capacity to embed practices for engaging and supporting Wabanaki people across all our work, unlocking more robust and sustainable outcomes at scale for nature and human well-being. We are committed to effective partnerships and all that they require, including: a relationship-centered approach; time and flexibility; reciprocity and mutual learning; recognition and integration of different knowledge systems; project co-creation; clear communication and accountability; and adaptability.

*Building knowledge and understanding of historic and current realities and strengthening the skills and capacity of TNC Maine staff to work in partnership with Wabanaki people is a critical first step and an effort that is underway.*

TNC Maine is committed to increasing our competency and capacity to better partner with Wabanaki people by:

- creating a shared understanding among TNC Maine staff, Trustees, and funders of how and why TNC works with Wabanaki partners and the potential outcomes of this collaboration;
- establishing a foundation of knowledge and skills to identify and improve organizational practices and policies to better support Indigenous Peoples and achieve our commitments;
- striving toward Wabanaki representation and leadership among TNC Maine's Board of Trustees and staff; and
- supporting the TNC North America Indigenous and Local Communities (ILC) strategy and telling stories of our learning to help foster a broader shift in the work of conservation.

Building on past experiences working with Tribal natural resource departments in Maine, an opportunity for more focused staff learning related to Indigenous land loss, access, and the role of the conservation community began in 2018 with the First Light Learning Journey (more on this initiative below). This continued in the fall of 2019 with a REACH training titled, "Interacting with Wabanaki-Maine History," in which TNC Maine staff and Trustees engaged in an immersive experience confronting the history of 400 years of colonization of Wabanaki people by European settlers. These experiences increased our understanding of colonization and its implications for current and future generations in Maine.



To support our ongoing staff learning, TNC Maine has established a cross-functional Indigenous Peoples Engagement (IPE) staff team to explore, learn, and refine how we can ethically and effectively support and partner with Wabanaki people in Maine. TNC Maine staff have also participated in and are working to advance TNC North America ILC efforts in the following ways:

- serving on the TNC ILC Strategy Core Team, which included interviews with several Wabanaki representatives as the team developed TNC's North America strategy (completed in December 2019);
- serving on the TNC ILC Design Team and Community of Practice to build connections among staff and encourage the implementation of TNC's North America strategy;
- aiding in the creation of the Indigenous Landscapes and Communities Considerations Document for TNC Preserves, which offers guidance to TNC staff on factors like access, inclusivity, and storytelling in TNC's management of lands;
- participating in the Native Nations Institute Trainings on Indigenous History and Governance and serving on the resulting legal and policy sub-teams aimed at reducing barriers to collaboration with Indigenous Peoples; and
- joining a TNC working group developing guidance for land and water projects with Indigenous Peoples in the U.S., with a goal of facilitating greater TNC engagement in such projects through its standard policies and legal framework.

## First Light

[First Light](#) was established in 2018 to explore and address the discrepancy of land access and ownership between the Wabanaki Tribes and the conservation community, as well as to achieve enduring conservation outcomes. First Light serves as a bridge between conservation organizations and Tribal communities in Maine who seek to expand Wabanaki access and deepen relationships to conserved lands. TNC Maine has been a committed participant and supporter of First Light's [Learning Journey](#) – a year-long program with a cohort of conservation organization staff and board members seeking to “build awareness and understanding about Wabanaki land loss in Maine, to develop and practice equitable principles for Native engagement, and to create new tools to share land and resources.” An important component of TNC Maine staff participation in the Learning Journey is the commitment to bring the learning back to all staff.

Our learning has also deepened through our ongoing roles in support of the [Wabanaki Commission on Land and Stewardship](#) *Nil yut ktahkomiq nik* (the whole earth is our home) and interrelated [Conservation Community Delegation](#), which is responsive to the needs of the Wabanaki Commission. Both efforts are supported by First Light and are focused on building relationships and capacity to expand Wabanaki access and stewardship of land. TNC Maine staff currently serve on the eight-person Delegation and as a non-voting member of the Commission.



# Considerations for Fundraising and Relationships with Supporters

The Nature Conservancy in Maine aspires to shift our approach to fundraising and engaging with our supporters by centering equity in conservation; confronting structural differences in power, opportunities, burdens, and needs; and working together to design solutions and deliver results that matter and endure.

The following considerations will help to guide our fundraising and philanthropy\*:

- Don't hide from the past, but instead learn from it – If we are going to avoid the same mistakes and help to shape a new future, we must grow our understanding of how philanthropy and fundraising have and continue to exclude Indigenous Peoples.
- Center equity in fundraising - We need to prioritize, evaluate, and define fundraising success according to equitable processes, healthy communities, and conservation impact goals more than financial outcomes and metrics.
- Treat funders as partners – We must offer opportunities for private donors and public partners to further their understanding of the complexity of this work, recognize that learning and growth take time, transparency, and difficult conversations, and honor other contributions in addition to financial ones.
- We should strive to work as a collective community – Progress toward larger goals and a just society is best served by working collaboratively.

\* *Much of the intent and language of these principles are adapted from the work of [Community Centric Fundraising](#), [Edgar Villanueva](#), and Gita Gulati-Partee and Kathleen Crabbs of [OpenSource Leadership Strategies](#).*



# Conclusion

TNC Maine is committed to sustained, informed, and deliberate work with and in support of Wabanaki people towards shared priorities. This includes increasing Wabanaki access to and use of lands and waters; strengthening authority and self-determination of the Wabanaki Tribes; transforming the definition and practice of conservation by integrating Indigenous knowledge and perspectives; and building competence and capacity to partner with Wabanaki People. We are guided in this work by principles that are rooted in respect and focused on building relationships based on mutual support and trust. We aspire to transform our practice of conservation so that it engages and supports Wabanaki people across all our work, unlocking more robust and sustainable outcomes for nature and the planet.





# Case Studies

## Penobscot Restoration Project

The Penobscot River Restoration Project (PRRP) is widely acclaimed as one of our nation's most innovative restoration projects. The project originated when the hydropower company PPL purchased three mainstem dams on the Penobscot River in 1999. PPL, along with the U.S. Department of Interior, the Penobscot Indian Nation, the State of Maine, and conservation groups, decided to explore a comprehensive solution to a large number of issues involving hydropower relicensing, migratory fish passage and ecological restoration on the Penobscot River. This commitment formed a Settlement Act and the basis for the establishment of PRRP, leading to a new vision of river restoration. Led by the Penobscot Nation, six conservation organizations formed the Penobscot River Restoration Trust (the Trust), TNC Maine joined in 2006. An unprecedented dialogue between un-likely partners resulted in an impressive collaborative effort between the Trust, dam/hydropower owners, state and federal agencies, and local communities to rebalance the fisheries restoration and hydropower production in the largest watershed within Maine. The PRRP happened incrementally over fifteen years, and involved two mainstem dam removal projects, construction of an innovative nature-like fishway, changes in energy operations, hydro re-licensing, outreach to local communities and to the public at large, planning for economic and community development activities, and significant private and public fundraising, all while aiming for watershed scale restoration of river ecology and ecosystem function.

Tribal interests were centered in this restoration effort

and the leadership of the Penobscot Nation was critical to the success of the project from inception to implementation. Indigenous insights provided a broader vision to focus not on a single species - Atlantic salmon - but rather the whole inter-related web of species belonging to the river. A unique and focal element of the project was the parallel restoration of the Penobscot Nation's culture and traditions as the Penobscot River and its tributaries flow from Katahdin through the heart of Maine to Penobscot Bay: the river, now flowing freely in its lower reaches, is central to Penobscot identity, culture, community, and sustenance. This was accomplished without a loss of hydropower generation.



The final investment in the project totaled approximately \$65 million and has resulted in improving access to 2,000 miles of river and stream habitat for endangered Atlantic salmon and other species of sea-run fish; restoration of ecological systems that benefit native plants and animals in the river, estuary, and Gulf of Maine; new opportunities for economic and community development in riverside communities; enhanced recreation; and an overall cleaner and healthier river.

While the PRRP remains a global model for collaborative conservation centered on Indigenous insight, knowledge, and leadership, there is still on-going learning and work to be carried forward, particularly for those groups, including TNC Maine, that worked in partnership with the Penobscot Nation on the project. After the completion of the PRRP, Penobscot Nation members were frustrated at the lack of support from the partners established through the PRRP in their ongoing fight for water rights with the State of Maine; their inherent authority over regulation of water quality that is critical to lifeways, like sustenance fishing, within the Penobscot River remains contested.

## **Returning Kuwesuwi Monihq (Pine Island) to the Passamaquoddy Tribe**

In August 2020, Chief Nicholas of the Passamaquoddy Tribe in Indian Township made a request to the [Conservation Community Delegation](#) for funding assistance to acquire a 140-acre property in Big Lake. Originally known as Kuwesuwi Monihq, or Pine Island, this island was intended to be a part of the tribe's Indian Township reservation included in the [1794 Treaty](#) with the Commonwealth of Massachusetts. Despite this, the island was acquired by private owners in the early 1800s. Reacquisition of the property was a high priority for the tribe due to its cultural significance and the need to remedy this historical injustice.

After a series of constructive conversations with the seller, TNC Maine signed an assignable option agreement to purchase the property in October 2020. When all due diligence was successfully completed, the option was assigned to the Passamaquoddy Tribe, who exercised the option in February 2021 and completed the acquisition in March 2021. Funds for the purchase were provided by TNC Maine using proceeds from the sale of carbon offsets from our St. John Forest preserve. Additional contributions towards the acquisition cost were received from Conservation Community Delegation members Maine Coast Heritage Trust and Forest Society of Maine. Rather than attempting to dictate how the land would be used, TNC and partners acknowledged that the acquisition was a cultural priority for the tribe, and an opportunity to address a specific historical injustice, so the funding and purchase option were transferred without imposing any future restrictions.

The acquisition was [announced](#) by the Passamaquoddy Tribe and facilitated by [Sunlight Media Collective](#), “an organization of Indigenous and non-Indigenous media makers and activists, including Wabanaki Tribal members, working to document and present stories affecting Wabanaki people and highlighting Wabanaki perspectives, with a particular emphasis on the intersection between environmental issues and Tribal rights.” To accompany the announcement, Sunlight Media Collective produced a powerful [20-minute documentary film](#) about the island. The acquisition garnered local, regional, national, and international press coverage. Throughout the announcement process, TNC worked to play a supporting role in service to the



Passamaquoddy's storytelling around this project. This included drafting a press release that aimed to center the tribe's story, then turning it over to Sunlight to "Indigenize" it -- a phrase they used to refer to making it an authentic announcement from the tribe; providing a list of press contacts for distributing the release and coaching the tribe through that distribution process; and explaining to reporters who contacted TNC about the need to center the tribe's voice in coverage, including refusing to have TNC be quoted in any story that did not also include quotes from tribal leaders.

This project was a new experience for TNC Maine and would not have been possible without our ongoing commitment to work with and in support of Wabanaki people in Maine. Relationships built through our involvement with the Penobscot River Restoration Project, First Light Learning Journey, and the Conservation Community Delegation were crucial to the project's success. Kuwesuwi Monihq was an opportunity to demonstrate our commitment to contribute positively to deeper support for the Wabanaki people. The return of Kuwesuwi Monihq to the Passamaquoddy people represents an important milestone in Maine and we feel honored to have been able to play a role on behalf of the larger conservation community.





## With Gratitude...

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Any limitations, shortcomings, or errors in this document are the responsibility of our team, and not of these reviewers.

