

TO: Eliot Cutler, Leo Krulitz and A. Steven Clay,
White House Task Force on Indian Claims in Maine

FROM: Passamaquoddy/Penobscot Negotiation Committee

SUBJECT: Settlement Package

DATE: November 11, 1977

As its contribution to the settlement of the Passamaquoddy and Penobscot land claims and in return for relinquishment of the claims of the said Nations to privately held land, the federal government shall:

1. Acquire and take in trust, for the benefit of the Passamaquoddy and Penobscot Nations, 500,000 acres of land in the State of Maine. The said lands are to be acquired in accordance with a selection process established with the consent of the said Nations.
2. Pay the Nations, \$50,000,000 in cash to be utilized by them for their benefit. Such funds shall be administered by the individual Nations, but no part of the principal shall be distributed on a per capita basis.
3. Provide \$6,000,000 per year in services from the Department of the Interior for the next ten (10) years and provide a proportional share of such departmental services thereafter without termination, provided, however, that in no event shall the amount of such services be less than \$6,000,000 per year. A proportional annual share of departmental services shall be defined as that amount which results from dividing the annual Department of the Interior Indian appropriations, excluding funds appropriated for the benefit of the Passamaquoddy and Penobscot Indians by the total Indian service population of the Department, excluding Passamaquoddy and Penobscot members of the service population and then multiplying that amount by the total service population of the Passamaquoddy and Penobscot Nations.
4. Provide services from the Indian Health Service of the Department of Health, Education and Welfare at a rate determined by the Nations and the Indian Health Service in conjunction with the Office of Management and Budget. In no case, shall the amount be less than \$2,000,000 per year. Provision of services under this paragraph and paragraph #3 shall not preclude the Nations from seeking additional allocations, from the afore mentioned Departments, for special projects for the benefit and use of the Passamaquoddy and Penobscot Indians.

5. Insure that all lands acquired pursuant to paragraph #1 and all lands presently held by the Nations as reservations be considered Indian Country, exempt from state taxation and regulation, including hunting, fishing and trapping regulations, except civil and criminal jurisdiction. With regard to civil and criminal jurisdiction, the federal government shall provide for civil and criminal jurisdiction by the State of Maine during an initial study period, not to exceed two years, during which time the said Nations shall determine whether they wish to have their lands considered Indian Country for purposes of civil and criminal jurisdiction. If, at any time during the said two year period the Nations shall decide to have their lands considered Indian Country for purposes of civil and criminal jurisdiction, then the jurisdiction of the State of Maine shall cease for these purposes.
6. Acquire easements for purposes of hunting, fishing and trapping for non-commercial purposes from the large landholders within the full potential claim area, as defined by the Department of Justice, on all lands held by such companies in the State of Maine. Provide in all legislation effectuating a settlement of the claims that the right of the Nations to hunt, fish and trap for non-commercial purposes within the State of Maine are not extinguished, and obtain, through negotiation or litigation the Nations right to exercise such rights throughout the full potential claim area without interference from the State of Maine.
7. Acquire a deeded right to obtain brown and yellow ash from the lands of the large landholders, as mentioned in paragraph 7, on the lands of such landholders within the State of Maine.
8. Obtain an agreement from the Bangor Hydro Electric Company to cease flooding of the Penobscot Reservation.
9. Proceed on behalf of the Nations against the State of Maine to recover possession of all lands and waters held by the State of Maine within the full potential claim area, together with monetary trespass damages for the wrongful withholding of such lands and waters.
10. Provide authority, as part of the land selection program to be established pursuant to paragraph #1 to acquire lands within Indian Township, Princeton, Maine which are presently held by non-Indians in the event such non-Indian landholders are unwilling to voluntarily sell their interest in such lands, provided however, that the said non-Indian landholders may be permitted to retain a life estate in any such property to be acquired pursuant to such authority.
11. Provide the Passamaquoddy and Penobscot Indians of Maine with the same exemption from the Marine Mammal Protection Act as is currently afforded the Indians of the Northwest Coast.

2. Conclude this settlement package, in the form of a treaty between the Passamaquoddy and Penobscot Nations and the federal government.