

RETURNING TO INDIGENOUS KNOWLEDGE: COASTAL PRESERVATION SUCCESS
STORIES IN TRIBAL-FEDERAL-STATE PARTNERSHIPS

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This article examines how Tribal Nations across the United States are reclaiming their role as sovereign leaders in environmental governance through intergovernmental partnerships. It explores how Indigenous Knowledge—rooted in place-based, relational understandings of ecosystems—enhances collaborative efforts to restore and protect lands and waters. Drawing from case studies in coastal regions like the Great Lakes, Puget Sound, and California, the research identifies best practices in tribal-federal-state partnerships, such as co-management frameworks, capacity building, and integration of Indigenous Knowledge with Western science. Using qualitative legal analysis and policy review, the article demonstrates that these models offer scalable solutions for resilience and adaptation in coastal regions, particularly the Chesapeake Bay. The study concludes that meaningful recognition of tribal sovereignty and incorporation of Indigenous leadership are essential to achieving effective, equitable, and climate-resilient environmental governance.

I. INTRODUCTION

Tribes³ are uniquely positioned to conserve, restore, and protect the environment. Tribes use Indigenous Knowledge to steward their environments,

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³ This article uses “tribes” and “Tribal Nations” to refer to those that have been recognized by the federal government, while recognizing and acknowledging the still sovereign status of indigenous groups that are not recognized by the United States. It is important to note that some tribes have been recognized by states, but not by the federal government. SUSAN JOHNSON ET AL., NAT’L CONF. OF STATE LEGISLATURES, [GOVERNMENT TO GOVERNMENT MODELS OF COOPERATION BETWEEN STATES AND TRIBES](#), 51–53 (2d ed. 2009). State recognized tribes do not have access to the same benefits that federally recognized tribes do, discussed *infra*; each state has its own process for recognizing tribes. *See id.* at 52. There are indeed states in the Chesapeake Bay region that recognize tribes where the federal government does not, including Virginia, Delaware, New York, and Maryland. [Governance Under State Recognition](#), UNIV. OF ARIZ. NATIVE NATIONS

which are deeply connected to their cultures.⁴ Indigenous Knowledge relating to environmental stewardship can be defined as “the ongoing accumulation of knowledge, practice, and belief about relationships between living beings in a specific ecosystem that is acquired by Indigenous people over hundreds or thousands of years through direct contact with the environment, handed down through generations and used for life sustaining ways.”⁵

Native Americans are the original stewards of the Chesapeake Bay Region.⁶ Tribes from New York to Virginia developed communities around this watershed.⁷ The Bay’s namesake is derived from an Algonquian word *Chesepiooc*, which has multiple potential interpretations, “all of which incorporate some sense of ‘big body of water.’”⁸ The Bay is likely “named after ‘the people of the big river,’ as in the people living there were named for their proximity to the bay, and the bay’s name on English maps became the name of the people there.”⁹ The Chesapeake Bay watershed was a landscape connected to Tribal Nations through trading paths, human and non-human relationships, and shared knowledge spanning Eastern Siouan, Iroquoian, and Algonquian speaking Nations¹⁰—these languages link the length of the Chesapeake watershed.

This article focuses on how legal and political tools are being utilized by Tribal Nations in the United States to reclaim ancestral lands and assert sovereignty in environmental governance. It surveys key partnerships among tribal, federal, and state governments to collaboratively tackle the climate

INST. (last visited Aug. 15, 2025). This article focuses on tribes that have been recognized by the federal government.

⁴ GREAT LAKES INDIAN FISH AND WILDLIFE COMM’N, [AANJI-BIMAADIZIIMAGAK O’OW AKI: CLIMATE CHANGE VULNERABILITY ASSESSMENT VERSION 2](#) (2023).

⁵ Also known as Traditional Ecological Knowledge (TEK). *Id.* at 5.

⁶ Rebecca Long, [The Original Inhabitants of Our Land](#), CHESAPEAKE BAY FOUND. (Nov. 1, 2025).

⁷ [Defining the Chesapeake](#), CHESAPEAKE BAY FOUND.: SAVE THE BAY BLOG (Nov. 18, 2018).

⁸ Email from Kayla Locklear, Language Program Manager, Powhatan Algonquin Intertribal Roundtable, to Lauren Wiederkehr, law student (July 31, 2025, 10:02 AM EST) (on file with authors).

⁹ *Id.*

¹⁰ See MD. DEP’T OF TRANSP., [NATIVE AMERICAN TRAILS TO HISTORIC ROADS: HISTORIC CONTEXT AND METHODOLOGY](#) 18 (2024) (describing trading paths in the Chesapeake Bay region); see also [The Three Linguistic Groups of Colonial Virginia](#), VA. PLACES (last visited July 29, 2025) (describing the regional Native languages in the Chesapeake watershed).

challenges facing coastal communities, with an emphasis on incorporating Indigenous Knowledge with Western science for a more comprehensive approach to resiliency.

This article will argue that there are existing tribal-federal-state partnership models effectively confronting changing conditions in coastal regions across North America. These models incorporate Indigenous Knowledge and stewardship that can and should be replicated in the Chesapeake Bay region. First, this article will frame the legal principles of Federal Indian law.¹¹ Then, notable and effective examples of tribal-federal-state partnerships in the Great Lakes region, the Puget Sound, and along the California coast will be analyzed, drawing out the best practices from each.¹² Finally, this article will discuss how the Chesapeake Bay region can implement the partnership structures and best practices from the case studies to finally include Indigenous Knowledge into currently stalling restoration efforts.¹³

II. LEGAL BACKGROUND: FEDERAL INDIAN LAW

Tribal Nations are sovereign nations and thus have a government-to-government relationship with the United States federal and state governments.¹⁴ This sovereignty is not derived from a grant by the United States; it is *inherent* and predates the formation of the United States.¹⁵ The legal landscape surrounding tribal, federal, and state jurisdiction is complex.

Tribal governments existed prior to state governments and the eventual federal government.¹⁶ When colonizers came to the United States, they encountered already developed Tribal Nations, which they displaced and

¹¹ See *infra* Part II.

¹² See *infra* Part III.

¹³ See *infra* Part IV.

¹⁴ COHEN'S HANDBOOK OF FEDERAL INDIAN LAW § 1.01 (2025).

¹⁵ *Id.*

¹⁶ Kitcki A Carroll, Executive Director for United South and Eastern Tribes, [*Remarks at Sovereign Nations of Virginia Conference: Tribal Consultation as a Diplomatic Tool*](#) 27:42 (Nov. 19, 2024) (panel discussion).

dispossessed of their lands and natural resources.¹⁷ The state of federal Indian policy over the last several centuries stems directly from this displacement and dispossession, the intentional destruction of cultures and lifeways.¹⁸ While framed through the diplomatic tool of treaties, the reality is that Tribal Nations ceded millions of acres of land and natural resources to colonizers, often involuntarily or to prevent murder and devastation.¹⁹ These lands and natural resources “are the very foundation of the wealth and power of the United States today.”²⁰ In more recent history, legislative acts, executive action, and Supreme Court cases have affirmed tribal sovereignty.²¹ To understand tribal-federal-state partnerships, it is also important to explore how treaty rights, the federal trust doctrine, and tribal-state agreements play into these intergovernmental relationships.

A. Treaty Rights

As colonization worked its way across the North American continent, colonizing governments and tribes formed treaties.²² A treaty is an agreement between two sovereign powers.²³ Long before European colonization, tribes made treaties with each other.²⁴ In the 1600s, colonizing Europeans and tribes entered into treaties, and after the United States was formed, it signed treaties as well.²⁵ Congress ended the practice of negotiating treaties with tribes in 1871, but written agreements functionally similar to treaties continued between the federal

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *See, e.g.*, The Indian Reorganization Act, 25 U.S.C. §§ 5123 (encouraging Tribal Nations to form their own constitutions and governments); The Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5301–5423 (granting Tribal Nations primary authority in overseeing federally funded programs like healthcare, education, natural resource management, and social services); *McGirt v. Oklahoma*, 591 U.S. 894 (2020) (holding that a significant portion of eastern Oklahoma had never been disestablished as Creek Nation land, meaning the state had no prosecutorial authority of Indians there).

²² Bureau of Indian Affairs, [Federal Law and Indian Policy Overview](#), U.S. DEP’T OF THE INTERIOR (last visited July 20, 2025).

²³ [Indian Treaty Rights](#), MILWAUKEE PUB. MUSEUM (last visited July 20, 2025).

²⁴ National Museum of the American Indian, [Nation to Nation: Treaties Between the United States and American Indian Nations](#), SMITHSONIAN (last visited July 28, 2025).

²⁵ *Indian Treaty Rights*, *supra* note 21.

government and tribes.²⁶ Treaties are quasi-constitutional, foundational documents that outline a government-to-government relationship between a tribe and the federal government. Treaties are the supreme law of the land with rights that continue in force unless abrogated by federal legislation or amended by the treaty signatories.²⁷ Importantly, treaties did not *grant* rights to tribes; they *reserved* the inherent rights that the tribes already had as sovereign entities.²⁸

Some of the provisions of tribal treaties include usufructuary rights²⁹ like off-reservation hunting, fishing, and gathering or harvesting rights; land reservation boundaries and clarification of jurisdiction over territory and persons; and relinquished land or natural resources in exchange for material items or services.³⁰ Treaties were often the legal mechanism for land cessions by Indian Nations.³¹ States did not always respect treaties, and the federal government did not always enforce them as it was obligated to do.³²

In the 1960s, federal courts began to address the issues of treaty violations by creating the Indian “canons of construction,” a legal interpretation tool.³³ These canons of construction instructed courts to construe treaties in specific ways.³⁴ They require that (1) treaties be liberally construed to favor Native Americans, (2) ambiguity in treaties should be resolved to favor Native Americans, (3) treaties must be construed in way that Native Americans would have understood them at the time they were negotiated, and (4) legally enforceable treaty rights can only be extinguished with explicit action, and clear

²⁶ *Id.*

²⁷ RESTATEMENT OF THE L., THE L. OF AM. INDIANS § 5(A), (C) (AM. L. INST. 2022).

²⁸ *Id.* §5(B).

²⁹ A usufructuary right is the right of one to use the property owned by another. In the context of Indian law, these are the rights to hunt, fish, and gather off of the land. *Indian Treaty Rights, supra* note 21.

³⁰ *Indian Treaty Rights, supra* note 21.

³¹ COHEN'S HANDBOOK OF FEDERAL INDIAN LAW § 18.01 (2025).

³² *Indian Treaty Rights, supra* note 21.

³³ *Id.*

³⁴ *Id.*

and plain language.³⁵ The federal government's obligation to uphold tribal treaty rights is the origin of the federal trust relationship.³⁶

Judicial interpretation of tribal treaty rights has mandated co-management of natural resources between Tribal Nations and states.³⁷ Judicial mandate is one of the stronger legal routes for Tribal Nations to assert their treaty rights and necessarily entails cooperation between states and tribes.

Another avenue tribes can use to pursue judicially enforced rights is aboriginal title. Aboriginal title and rights refer to the inherent rights Tribal Nations have to their ancestral lands and natural resources that predate the United States' existence.³⁸ These rights to land and resources remain unless tribes expressly cede or Congress abrogates them.³⁹ To establish aboriginal title, a tribe must show actual, exclusive, and continuous use and occupancy for a long period before losing the property.⁴⁰ Until a treaty or an act of Congress clearly extinguishes aboriginal title or rights, a tribe retains the right to occupy and use land as it chooses.⁴¹ The Supreme Court has found that a tribe with aboriginal title or rights may bring a federal common law action to enforce its ownership rights.⁴²

Aboriginal title and rights claims may provide an avenue for tribes without treaties with the United States to assert their ancestral rights. For example, the Shinnecock Indian Nation is seeking a declaration affirming its right to continue

³⁵ *Id.*

³⁶ *See infra* Section II.B.

³⁷ *See* DEP'T. OF THE INTERIOR BUREAU OF INDIAN AFFS., [INDIAN AFFAIRS MANUAL PART 56: FISH, WILDLIFE, AND RECREATION, CHAPTER 1: AUTHORITY AND RESPONSIBILITIES](#), § 1.4(C), at 3–4 (2017) (noting that courts have ordered “resource management roles, responsibilities, and co-management regimes” to conserve and appropriate allocation of designated resources between states and Tribal Nations, and listing eleven notable court rulings in which this was the case). *See infra* Sections III.A.iii., III.B.i.

³⁸ In this context, aboriginal “title” refers to the tribal land, and aboriginal “rights” refer to the use of natural resources. The use of natural resources under aboriginal rights would include hunting, fishing, and gathering on the land. COHEN'S HANDBOOK OF FEDERAL INDIAN LAW § 18.02 (2025).

³⁹ *United States v. Abouseman*, 976 F.3d 1146, 1159 (10th Cir. 2020).

⁴⁰ COHEN'S HANDBOOK OF FEDERAL INDIAN LAW § 18.02 (2025).

⁴¹ *Id.*

⁴² *Id.*

ancestral fishing practices in Long Island’s Shinnecock Bay.⁴³ Shinnecock women grow sugar kelp in Shinnecock Bay, which reduces nitrogen and other pollutants that enter the Bay as runoff, harming its health.⁴⁴ In *Silva v. Farrish*, Shinnecock tribal citizens argue that their ancestral fishing rights in Shinnecock Bay remain intact because they have been continuous and were never ceded or extinguished by treaty or statute, consistent with aboriginal rights jurisprudence.⁴⁵ The Shinnecock kelp farmers seek declaratory and injunctive relief to prevent the state from enforcing fishing regulations that would infringe on those rights.⁴⁶

B. The Federal Trust Relationship

The Supreme Court has consistently stated that the United States federal government owes important obligations to Tribal Nations, known as the trust responsibility doctrine—one of the “cornerstones of federal Indian law.”⁴⁷ Under this doctrine, the federal government acts as a trustee that must act to benefit the beneficiaries of the trust: tribal nations and citizens.⁴⁸ The federal government generally owes a fiduciary duty to tribes, and statutes can also limit or expand obligations.⁴⁹ Tribal Nations may bring suit against the federal government for breaching this trust duty; statutes, regulations, treaties, and executive orders outline the “contours of the United States’ fiduciary responsibilities.”⁵⁰ Importantly, federal trust obligations primarily apply to *federally recognized* Tribal Nations.⁵¹

⁴³ [Exercising Shinnecock Nation Fishing Rights in Long Island Waters](#), NATIVE AM. RTS. FUND (July 17, 2025).

⁴⁴ *Id.*

⁴⁵ *Silva v. Farrish*, 47 F.4th 78, 81 (2d Cir. 2022).

⁴⁶ *Id.*

⁴⁷ COHEN'S HANDBOOK OF FEDERAL INDIAN LAW § 6.04 (2025).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *United States v. Mitchell*, 463 U.S. 206, 224 (1983).

⁵¹ U.S. Dep’t of the Interior, Secretarial Order No. 3335, [Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries](#) (Aug. 20, 2014).

To help the federal government uphold trust duties to Tribal Nations, President Clinton issued Executive Order 13175 in 2000.⁵² Recognizing Tribal Nations' sovereign status, this Order requires federal agencies to engage in meaningful and timely input from tribal officials when developing regulations with tribal implications.⁵³ Federal statutes also require tribal consultation. For example, section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consult with Tribal Nations when actions may affect historic properties of religious or cultural significance.⁵⁴

C. State-Tribal Agreements

States do not have jurisdiction in tribal territory, per the "Indian Commerce Clause" of the U.S. Constitution.⁵⁵ The Clause precludes "virtually all" state authority over Indian commerce and tribes.⁵⁶ Although states lack jurisdiction over Tribal Nations, the two sovereigns can generally enter into agreements, compacts, or memoranda of understanding with each other without federal approval.⁵⁷ This method of collaboration can make sense when states and Tribal Nations have shared interests, such as protecting natural resources.

Agreements regarding natural resources may refer to co-stewardship or co-management.⁵⁸ The two are distinct, but related.⁵⁹ Co-stewardship is a broader umbrella term for "cooperative and collaborative relationships and models of

⁵² Exec. Order No. 13,175, 3 C.F.R. 304 (2000).

⁵³ *Id.*

⁵⁴ National Historic Preservation Act, 54 U.S.C. § 306108 (2012).

⁵⁵ *Seminole Tribe v. Florida*, 517 U.S. 44, 60 (1996) ("[T]he Indian Commerce Clause makes 'Indian relations . . . the exclusive province of federal law,'" (quoting *Cnty. of Oneida v. Oneida Indian Nation*, 470 U.S. 226, 234 (1985))).

⁵⁶ *Id.* at 62.

⁵⁷ COHEN'S HANDBOOK OF FEDERAL INDIAN LAW § 7.02 (2025).

⁵⁸ Co-stewardship and co-management are also common features of tribal-federal relationships. In other words, they are not limited to agreements between tribes and states. *See, e.g.* Joint Secretarial Order No. 3403, Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters (Nov. 15, 2021) (describing co-stewardship as a goal of collaboration with Tribes).

⁵⁹ *See Sovereign-to-Sovereign Cooperative Agreements*, UNIV. OF WASH. GALLAGHER L. LIBR. (July 24, 2025, 7:01 AM) (describing the distinction being the scope of each term).

shared decision-making.”⁶⁰ In contrast, co-management falls under the broader umbrella of co-stewardship and has taken on a meaning with legal connotations,⁶¹ though generally it describes a collaborative approach where governments share the responsibility and authority for managing natural resources.⁶² Co-management tends to refer to “arrangements that are undertaken pursuant to Federal authority that requires the delegation of some aspect of Federal decision-making or that make co-management otherwise legally necessary...”⁶³

States may institute policies or laws requiring their agencies to engage in tribal consultation, as the federal government does. They can accomplish this through legislation, executive orders, or agreements with tribes.⁶⁴ Often, though, these policies lack enforcement mechanisms or penalties, leaving tribes without recourse when consultation is lacking or absent.⁶⁵

One recent decision that could improve this enforceability problem is a California court’s interpretation of a consultation provision in the California Environmental Quality Act.⁶⁶ There, the court found that certain thresholds must be met for consultation with a tribe to qualify as “meaningful” before allowing a project affecting tribal resources to move forward.⁶⁷ How this interpretation will be applied in California remains to be seen, but the judicial order gives the consultation provision a measure of enforceability.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Lars Carlsson & Fikret Berkes, *Co-management: Concepts and Methodological Implications*, J. OF ENV’T MGMT. 65, 66 (Apr. 2005).

⁶³ U.S. DEP’T OF THE INTERIOR OFF. OF THE SOLIC., CURRENT LAND, WATER, AND WILDLIFE AUTHORITIES THAT CAN SUPPORT TRIBAL STEWARDSHIP AND CO-STEWARDSHIP: FINAL REPORT 8–9 (2022).

⁶⁴ *See infra* Part III.

⁶⁵ *See, e.g.*, WASH. REV. CODE § 43.376.060 (2024) (“Nothing in this chapter creates a right of action against a state agency or a right of review of an action by a state agency.”).

⁶⁶ *See* discussion *infra* Section III.C.i.1.

⁶⁷ *Koi Nation of N. Cal. v. City of Clearlake*, 109 Cal. App. 5th 815, 840 (2025).

D. Consultation versus Free, Prior, and Informed Consent

In 2007, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples.⁶⁸ The declaration calls for countries to obtain Indigenous Peoples' free, prior, and informed consent (FPIC) before taking action that will affect them.⁶⁹ This standard protects Indigenous Peoples from being severed from their land and ways of life by the unilateral action of another sovereign.⁷⁰ Lands, waters, and resources are the "wellsprings for Native cultures, religious beliefs and practices, economies, and identity."⁷¹

Breaking down the FPIC standard clarifies what should be considered. "Free" refers to consent given voluntarily, without duress, intimidation, or manipulation.⁷² "Prior" means consent should be sought before the decision-making begins.⁷³ "Informed" means a process must exist to convey key information before seeking consent, ensuring technical capacity to analyze the data.⁷⁴ Finally, "consent" entails Indigenous Peoples' ability to approve, adjust, or reject a proposal.⁷⁵ When all these components are satisfied, the "gold standard" for respecting Indigenous sovereignty is met.⁷⁶

The United States does not typically abide by this gold standard, as will become apparent in this review of tribal, federal, and state interactions. Treaty-making has been compared to "the first iteration of FPIC policy in the United States," but formal agreements replaced treaties in 1871.⁷⁷ In contrast, many states

⁶⁸ G.A. Res. 61/295, United Nations Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

⁶⁹ THE IMPLEMENTATION PROJECT., [THE TRIBAL GUIDE TO IMPLEMENTING FPIC IN THE CONTEXT OF CONSERVATION AND DEVELOPMENT](#) 1 (2025).

⁷⁰ *Id.*

⁷¹ *Id.* at 3.

⁷² *Id.* at 4.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.* at 2.

⁷⁷ Today, agreements, compacts, executive actions, and legislation are the vehicles for acknowledging the rights of tribes. *Id.*; *Indian Treaty Rights*, *supra* note 21. See also U.S. DEP'T OF THE INTERIOR, [INTERIOR DEPARTMENT ISSUES FINAL DETERMINATION FOR TWO FEDERAL ACKNOWLEDGMENT PETITIONERS](#) (July 2, 2015) (executive agency conferring acknowledged

and the federal government have tribal *consultation* policies, which function more as tribal notification of action, since projects can and do move forward without an Indigenous community's consent.⁷⁸

The framework of treaty rights, the federal trust responsibility, and state-tribal cooperation underscore the enduring sovereignty of Tribal Nations and their central role in managing lands and natural resources. These principles affirm the legal foundations of tribal authority. As impacts of rising temperatures intensify, the need to honor Indigenous Knowledge becomes even more urgent. The next section explores how addressing changing environmental conditions creates new opportunities for tribal leadership in environmental resilience and adaptation.

III. CASE STUDIES

Tribal-federal-state partnerships focused on combating the effects of changing environmental conditions due to rising temperatures are happening across the United States. In the Great Lakes region, the Puget Sound, California, and the Florida Everglades, Tribal Nations are asserting their sovereignty to continue stewarding the land in partnerships with the federal and state governments. This section will explore the government-to-government partnership governance structures in place, funding mechanisms, and tribal capacity building in these regions.

A. Case Study I: The Great Lakes

Although the Great Lakes region is not technically coastal, the climate challenges the area faces are not unlike those of a coastal region.⁷⁹ Warmer air and water temperatures, increased storm intensity and flood risks, and changes in

rights via the federal recognition of the Pamunkey Tribe); Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017, Pub. L. No. 115-121, 132 Stat. 40 (2018) (legislation conferring acknowledged rights via the federal recognition of six Tribal Nations in Virginia).

⁷⁸ Joseph Lee, *Free, Prior, and Informed Consent Is the Gold Standard of Indigenous Rights. Why Isn't It Followed?*, HIGH COUNTRY NEWS (Apr. 28, 2022).

⁷⁹ The Coastal Zone Management Act of 1972 also designates the Great Lakes waters as a coastal zone. 16 U.S.C. § 1453(1).

habitat are all climate developments affecting the area.⁸⁰ These risks, along with other environmental issues facing the Great Lakes, prompted the formation of a number of agreements, and Tribal Nations have not always been included in these agreements.⁸¹ This is beginning to change; today, there are more mechanisms that facilitate tribal, state, and federal collaboration in this region.⁸² This section will focus on collaborations in the Great Lakes Water Quality Agreement, the Great Lakes Restoration Initiative, and Michigan’s tribal consultation policies.

The Native peoples in the region are known as the Anishinaabe, which is made up of three different allied native groups that together formed the Council of Three Fires: the Ojibwe, the Odawa, and the Patawatomi.⁸³ The Ojibwe, Odawa, and Patawatomi further broke down into regional tribes across what we know today as Southern Canada, Michigan, Minnesota, and Wisconsin.⁸⁴ The focus of this section will be the Ojibwe Tribal Nations, several of which make up the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), which is an active and central inter-tribal group in the region.⁸⁵

The GLIFWC is made up of eleven Tribal Nations⁸⁶ that were parties to a series of treaties guaranteeing the tribes’ territory—known as the Ceded Territory—across Michigan, Minnesota, and Wisconsin.⁸⁷ These treaties reserved the tribes’ rights to land, hunting, fishing, gathering, federal trust responsibilities, and self-governance; the Commission “advocate[s] for Ojibwe treaty rights and natural resources stewardship, acting on behalf of present and future

⁸⁰ [Climate Change Program](#), GREAT LAKES INDIAN FISH & WILDLIFE COMM’N (last visited July 16, 2025).

⁸¹ See *infra* Sections III.A.i., III.A.ii., and III.A.iii. for more discussion of tribal exclusion in partnerships.

⁸² See *infra* Sections III.A.i., III.A.ii., and III.A.iii.

⁸³ [The History and Culture of the Ojibwe \(Chippewa\) Tribe](#), NATIVE HOPE BLOG (Oct. 30, 2022).

⁸⁴ *Id.*

⁸⁵ [About Us](#), GREAT LAKES INDIAN FISH & WILDLIFE COMM’N (last visited July 20, 2025).

⁸⁶ These eleven Tribes and their respective locations are as follow: Ginoozhekaaning (Michigan), Gaa-miskwaabikaang (Wisconsin), Getegitigaaning (Michigan), Mashkiiziibiing (Wisconsin), Nagaajiwanaang (Minnesota), Misi-zaaga’iganiing (Minnesota), Bikoganoogan (Wisconsin), Odaawaa-zaaga’iganiing (Wisconsin), Gakiiwe’onaning (Michigan), Waaswaaganing (Wisconsin), Zaka’aaganing (Wisconsin). [The Commission](#), GREAT LAKES INDIAN FISH & WILDLIFE COMM’N (last visited July 20, 2025).

⁸⁷ *About Us*, *supra* note 83.

generations.”⁸⁸ The GLIFWC has participated in activities relating to all of the agreements or policies that will be discussed in this section.⁸⁹

i. The Great Lakes Water Quality Agreement

The Great Lakes Water Quality Agreement (GLWQA) is an agreement that was initially signed in 1972 by the United States and Canada with the goal of restoring and protecting the Great Lakes’ waters.⁹⁰ The original agreement did not include any language regarding indigenous groups in the United States or Canada.⁹¹ In 2012, the agreement was revised to address this issue.⁹² The updated agreement created the Great Lakes Executive Committee, made up of states, provinces, tribes, and First Nations that provide advice and recommend actions.⁹³

The Executive Committee meets twice a year to report and discuss implementation strategy.⁹⁴ To fulfill the obligations of the agreement, the GLWQA is structured by ten issue-specific annexes co-led by American and Canadian agencies; these ten annexes are further broken down into subcommittees, which are broken down into task teams.⁹⁵ In 2012, a Traditional Ecological Knowledge (TEK)⁹⁶ Task Team was created under the science annex to incorporate Indigenous Knowledge in the implementation of the GLWQA.⁹⁷

⁸⁸ *The Commission, supra* note 84.

⁸⁹ See *infra* Sections III.A.i., III.A.ii., and III.A.iii.

⁹⁰ [What is GLWQA?](#), ENV’T PROT. AGENCY (Mar. 7, 2025).

⁹¹ [Agreement on Great Lakes Water Quality](#), U.S.-Can., Apr. 15, 1972, 837 U.N.T.S. 213.

⁹² [Protocol Amending the Agreement Between the United States of America and Canada on Great Lakes Water Quality](#), U.S.-Can., Sept. 7, 2012, T.I.A.S. No. 13-212.

⁹³ *Id.*, see also [Great Lakes Program](#), GREAT LAKES INDIAN FISH & WILDLIFE COMM’N (last visited July 17, 2025).

⁹⁴ [Great Lakes Program](#), GREAT LAKES INDIAN FISH & WILDLIFE COMM’N (last visited July 17, 2025).

⁹⁵ These issue-specific annexes are: 1) areas of concern, 2) lakewide management, 3) chemicals of mutual concern, 4) nutrients, 5) discharges from vessels, 6) aquatic invasive species, 7) habitat and species, 8) groundwater, 9) climate change impacts, and 10) science. *Id.*; [GLWQA Implementation at a Glance](#), BINATIONAL.NET (last visited July 17, 2025).

⁹⁶ Traditional Ecological Knowledge is a subset of Indigenous Knowledge related to environmental observation and management. [Indigenous Knowledge](#), GREAT LAKES INDIAN FISH & WILDLIFE COMM’N (last visited July 20, 2025).

⁹⁷ [GLWQA Implementation at a Glance](#), BINATIONAL.NET (last visited July 17, 2025).

The TEK Task Team is led by the Bureau of Indian Affairs (BIA) Midwest Region Branch of Fish, Wildlife, and Parks and made up of federal, tribal, and academic partners.⁹⁸ In 2021, this team produced a document outlining guidance on TEK that has supported the goals of the GLWQA.⁹⁹ The document provides a supplemental resource on how to use TEK in environmental management, describes successful examples of tribal-federal-state partnerships in the region, and provides general best practices of integrating TEK with western science.¹⁰⁰

The Dibaginjigaadeg Anishinaabe Ezhitwaad (Tribal Climate Adaptation Menu) is a thorough collection of Indigenous Knowledge relating to climate adaptation strategies created by “a diverse group of collaborators representing tribal, intertribal, academic, and federal entities in Minnesota, Wisconsin, and Michigan.”¹⁰¹ The authors intended for this to serve as a guide to “integrate Indigenous and traditional knowledge, culture, language and history into the climate adaptation planning process.”¹⁰²

In addition to the creation of this resource collecting Indigenous Knowledge, the TEK Task Team has also established several positive outcomes as a result of tribal involvement in stewardship.¹⁰³ For example, in Anishinaabe communities, *manoomin* (wild rice) is of crucial importance; their relationship to it is “respectful, interactive, and reciprocal.”¹⁰⁴ *Manoomin* is an aquatic plant that grows in the region’s lakes and streams.¹⁰⁵ Because of changing environmental conditions, industry, and wetlands loss, *manoomin* growth has significantly

⁹⁸ [Fish Wildlife and Parks](#), U.S. DEP’T OF THE INTERIOR INDIAN AFFS. (last visited July 17, 2025).

⁹⁹ *Id.*

¹⁰⁰ JESSICA KOSKI ET AL., TRADITIONAL ECOLOGICAL KNOWLEDGE TASK TEAM, [GUIDANCE DOCUMENT ON TRADITIONAL ECOLOGICAL KNOWLEDGE PURSUANT TO THE GREAT LAKES WATER QUALITY AGREEMENT](#) (2021).

¹⁰¹ [Climate Change Program: Tribal Adaptation Menu](#), GREAT LAKES INDIAN FISH & WILDLIFE COMM’N (last visited July 17, 2025).

¹⁰² *Id.*

¹⁰³ JESSICA KOSKI ET AL., *supra* note 99.

¹⁰⁴ *Id.* at 19.

¹⁰⁵ Bridge Michigan, [Michigan Tribes Fight Long Odds to Restore Wild Rice, Their History](#), GREAT LAKES NOW (Aug. 1, 2023).

declined.¹⁰⁶ Using funding secured by the National Oceanic and Atmospheric Administration (NOAA), workshops to address restoration of the plant were held in 2017 and 2019, with tribal, state, and local parties present.¹⁰⁷ These workshops identified areas for data collection and monitoring in the Lake Superior Basin, and developed education and outreach programs.¹⁰⁸ Perhaps most importantly, though, the workshops emphasized the cultural and ecological importance of *manoomin* – rather than just its monetary value.¹⁰⁹

The TEK Task Team has stated that “the integration of TEK offers ways to spot threats earlier than western scientific assessments, refocus remediation metrics, and structure environmental health evaluation according to community concerns.”¹¹⁰ To achieve these outcomes, the team highlights the importance of relationship building through proactive, early, and consistent engagement at every step in the decision-making process.¹¹¹

ii. Great Lakes Restoration Initiative

The Great Lakes Restoration Initiative (GLRI) is a group of sixteen U.S. federal agencies led by the U.S. Environmental Protection Agency (EPA), formed in 2010 to speed up efforts to protect and restore the Great Lakes by providing additional resources.¹¹² Currently operating its fourth action plan for 2025-2029, the GLRI is responsible for helping to fulfill commitments under the GLQWA and focuses on toxic substances, invasive species, nonpoint source pollution, habitats and species, and laying the groundwork for future restoration.¹¹³ The GLRI aims to foster rehabilitation of the Great Lakes through working “in

¹⁰⁶ *Id.*

¹⁰⁷ [Efforts to Restore Native Wild Rice in the St. Louis River Estuary](#), NAT’L OCEANIC & ATMOSPHERIC ADMIN. FISHERIES, (Nov. 1, 2021).

¹⁰⁸ *Id.*

¹⁰⁹ JESSICA KOSKI ET AL., *supra* note 99, at 19–20.

¹¹⁰ *Id.* at 24.

¹¹¹ *Id.* at 4.

¹¹² [Great Lakes Restoration Initiative: Background](#), U.S. ENV’T PROT. AGENCY (last visited July 20, 2025).

¹¹³ GREAT LAKES RESTORATION INITIATIVE, [GREAT LAKES RESTORATION INITIATIVE ACTION PLAN IV: FISCAL YEARS 2025-2029](#), at 2–3 (2024).

partnership with states, tribes, and other nonfederal stakeholders.”¹¹⁴ The GLRI has facilitated tribal capacity building through its Distinct Tribal Program and funding that facilitates tribal-led restoration efforts.¹¹⁵

In 2020, the GLRI’s Regional Working Group¹¹⁶ launched the Distinct Tribal Program (DTP), after spending a few years determining how to best give tribes flexibility to develop high-priority programs aligning with the GLRI’s goals.¹¹⁷ Millions of dollars in congressional funding annually also helped to establish the DTP.¹¹⁸ The program acknowledges the importance of capacity building among Tribal Nations, which necessarily includes funding for projects to restore culturally important places and species.¹¹⁹

To support this capacity building, the BIA, via the GLRI, has provided more than \$113 million to tribes to launch nearly 800 restoration projects from 2010 to January 2023.¹²⁰ This funding has allowed tribes to restore over 150,000 acres of habitat and 225 miles of Great Lakes tributaries, and treat over 41,000 acres for invasive species.¹²¹ More than thirty tribes and tribal organizations in the region—including the GLIFWC—have gotten funding to participate in the restoration of the land.¹²²

The DTP is intended to support tribally determined restoration, and devotes \$15 million annually to fund projects that align with the GLRI’s goals.¹²³ The funds may be used for tribal capacity building and tribal GLRI projects

¹¹⁴ *Id.* at 4.

¹¹⁵ *Id.* at 8.

¹¹⁶ The Regional Working Group consists of senior management officials of the sixteen federal agencies. GREAT LAKES RESTORATION INITIATIVE, [DISTINCT TRIBAL PROGRAM FRAMEWORK](#) 1 (2021).

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ GREAT LAKES RESTORATION INITIATIVE, [2022 TRIBAL GREAT LAKES RESTORATION: CULTURALLY INSPIRED RESTORATION](#) 1 (2022).

¹²¹ *Id.*

¹²² *Id.*

¹²³ [Fish, Wildlife and Parks](#), U.S. DEP’T OF THE INTERIOR INDIAN AFFS. (last visited July 20, 2025).

themselves.¹²⁴ In addition to funding, the DTP requires that the GLRI regional working group hold Tribal Forums one to two times a year with the BIA and EPA to discuss issues, priorities, and ideas in project implementation.¹²⁵ BIA and EPA are obligated to be involved in the DTP in other ways, too, which necessarily support tribal capacity building by allowing these federal agencies to take a more active role in facilitating project implementation.¹²⁶

Many of the projects funded by the DTP are efforts aimed at coastal resiliency: erosion mitigation from flooding,¹²⁷ wetland restoration,¹²⁸ habitat loss associated with higher water levels,¹²⁹ and the restoration of *manoomin*¹³⁰—a native plant species that can regulate nutrient levels and erosion in waters.¹³¹

Allowing for this flexibility for funding allocation and continued communication with the regional working group supports Tribal Nation self-determination, facilitating a truly government-to-government relationship and promoting sovereignty. Capacity building efforts have also allowed the Tribal Nations to participate in more interagency and inter-governmental processes, increasing the amount of tribal input in solutions.¹³²

iii. Tribal Consultation Policies in Michigan

In Michigan, tribal-state agreements and executive orders require government-to-government consultation with and affirm the sovereignty of Tribal Nations. This section will focus on a 2002 accord between the state and Tribal

¹²⁴ GREAT LAKES RESTORATION INITIATIVE, *supra* note 118, at 2.

¹²⁵ *Id.* at 3.

¹²⁶ *Id.*

¹²⁷ GREAT LAKES RESTORATION INITIATIVE, *supra* note 118, at 19.

¹²⁸ *Id.* at 26.

¹²⁹ *Id.* at 7.

¹³⁰ *Id.* at 10–11, 18, 19.

¹³¹ [Manoomin Literature Background](#), UNIV. OF WIS. SEA GRANT INST. (last visited July 20, 2025).

¹³² GREAT LAKES RESTORATION INITIATIVE, *supra* note 118, at 1.

Nations, and a 2019 Executive Order requiring each state agency to have a tribal consultation policy.¹³³

In 2002, the governor of Michigan and Tribal Nations signed an accord where each recognized the others' sovereignty and agreed to a policy of consultation.¹³⁴ The Accord stated that consultation includes (1) timely notification of a proposed action, (2) informing the other government of potential impacts the proposed action could have on it, (3) the opportunity to provide input and recommendations on the proposed action to officials making the final decision, and (4) notification of, and reasoning for, rejected recommendations.¹³⁵ Consultation was defined as "government-to-government dialogue between the state and the tribes regarding actions... that significantly affect... the governmental interests of the other."¹³⁶ The Accord also required an annual meeting between Tribal Nation leaders and the governor, a tribal coordinator in each state department, and departmental policies and procedures for effective consultation.¹³⁷ Importantly, the Accord does not discuss tribal capacity building, funding, or any penalties should parties fail to consult with each other.¹³⁸

In 2019, Governor Whitmer issued Executive Directive 2019-17 regarding state-tribal relations, which is still in effect today.¹³⁹ This directive affirms the principles in the 2002 Accord, recognizing tribes' rights to self-determination and sovereign nature.¹⁴⁰ In addition, the directive requires that each state agency follow a uniform, four-step process for consultations prior to taking an action that would impact tribes that resembles the one laid out in the 2002 Accord, as well as

¹³³ [Government-to-Government Accord Between the State of Michigan and the Federally Recognized Indian Tribes in the State of Michigan](#) (Oct. 28, 2002) [hereinafter 2002 Accord]; [Mich. Exec. Directive No. 2019-17](#) (Oct. 31, 2019) [hereinafter MI ED 2019-17].

¹³⁴ 2002 Accord, *supra* note 131.

¹³⁵ *Id.* at 3.

¹³⁶ *Id.*

¹³⁷ *Id.* at 4.

¹³⁸ *See id.* at 4–6.

¹³⁹ MI ED 2019-17, *supra* note 131.

¹⁴⁰ *Id.*

appoint a Tribal Liaison to oversee the consultation process.¹⁴¹ The Advisor for Tribal Affairs organizes the annual summit, facilitates the government-to-government communication between tribes and the governor’s office, and develops training on tribal sovereignty, treaty rights, governance, and history. While these policies may aid in communication between tribes and the state, the directive notes that “absence of agreement between the consulting department or agency and one or more tribes does not bar the department or agency from acting.”¹⁴² Ultimately, both the 2002 Accord and the 2019 directive lack the force of law, leaving Tribal Nations without recourse when consultation is insufficient or absent.¹⁴³

The 1976 Michigan Supreme Court case *People v. LeBlanc*¹⁴⁴ provides robust alternative agency and Accord consultation policies. The decision mandated the co-management of the Great Lakes fisheries by interpreting an 1836 treaty to reflect tribes’ reserved right to hunt and fish for subsistence and commercial purposes.¹⁴⁵ The current co-management agreement, the 2023 Great Lakes Fishing Decree, is pursuant to this 1976 judicial decision.¹⁴⁶ This Decree, along with its predecessors, compels Tribal Nation and state cooperation to allocate, manage, and regulate the 1836 Treaty waters of the Great Lakes—true co-management of a natural resource.¹⁴⁷ The GLIFWC is heavily involved in co-management practices and emphasizes how Indigenous Knowledge is used to

¹⁴¹ That process is: (1) identification of issues, (2) notification of potentially affected Tribes, (3) soliciting input from Tribes, and (4) providing written feedback to Tribes after a decision is made. *Id.*

¹⁴² *Id.*

¹⁴³ 2002 Accord, *supra* note 131; MI ED 2019-17, *supra* note 131. For a more effective approach to collaboration, consultation requirements should be enacted as enforceable law. *See* Report from Greta Swanson to the Indigenous Conservation Council of the Chesapeake Bay, Government-to-Government Consultation in Michigan: Best Practices and Implementation, 19 (June 3, 2025) (“Consultation requirements in Michigan are established as policy, not law, and do not contain any avenues for Tribes to hold departments accountable, except those related to fisheries co-management under a court-mandated decree.”) (on file with authors).

¹⁴⁴ *People v. LeBlanc*, 399 Mich. 31 (1976).

¹⁴⁵ *Id.* at 61 (“[T]he Indians hold their off-reservation fishing rights in common with the citizens of the state of Michigan.”).

¹⁴⁶ [Opinion Regarding the Approval of the 2023 Great Lakes Fishing Decree](#), United States v. Michigan, No. 2:73-cv-00026 (W.D. Mich. Aug. 24, 2023).

¹⁴⁷ *See id.* at 46.

inform management practices with co-equal western notions of science.¹⁴⁸ Additionally, the GLIFWC points to the Ojibwe’s relationship with the natural world—viewing its people as having “ reciprocal duties and responsibilities to protect and conserve natural resources for future generations,” and requiring “restraint, respect, and reciprocity” for animal life—as a valuable and different perspective in co-management.¹⁴⁹

The Great Lakes region stands out as a powerful model for tribal, state, and federal collaboration on climate resilience and environmental stewardship. Although not traditionally coastal, the region faces similar threats—flooding, erosion, and habitat loss—intensified by changing environmental conditions. In response, mechanisms like the Great Lakes Restoration Initiative and the updated Great Lakes Water Quality Agreement have increasingly incorporated Tribal Nations as sovereign partners. The GLIFWC and the Tribal Climate Adaptation Menu exemplify how Indigenous leadership and traditional knowledge can enhance environmental management. While some state consultation policies remain unenforceable, binding frameworks like the Great Lakes Fishing Decree offer a model for true co-management.

B. Case Study II: The Puget Sound

Washington state is home to the Puget Sound watershed and twenty-nine federally recognized Tribal Nations.¹⁵⁰ Many of them are situated around the Sound, which faces a host of coastal hazards, like sea level rise and flooding.¹⁵¹ Salmon are a very important part of life for the tribes, and altered stream flows and temperatures are threatening the species—some estimates say that by 2100, a

¹⁴⁸ [Brief for Great Lakes Indian Wildlife & Fishery Commission as Amicus Curiae Supporting Plaintiffs](#) at 9–11, *Silva v. Farrish*, No. 18-CV-3648 (E.D.N.Y. May 29, 2025).

¹⁴⁹ *Id.* at 9.

¹⁵⁰ [Home](#), WASH. TRIBES (last visited July 22, 2025).

¹⁵¹ [Federal Funding Will Build Capacity in Washington Coastal Tribes and Communities to Address Hazards Due to Climate Change](#), UNIV. OF WASH. SEA GRANT: WSG NEWS BLOG (Aug. 22, 2024).

third of current Northwest salmon habitats will be too warm for the fish to tolerate.¹⁵²

In response to these climate threats, twenty Tribal Nations in the region have come together in the Northwest Indian Fisheries Commission, which aims to address capacity challenges in natural resources management.¹⁵³ This necessarily means working with federal and state agencies to incorporate Indigenous Knowledge into climate solutions. Some of the partnerships the Tribal Nations are involved in are the court-mandated co-management of fisheries, agreements and statutes requiring tribal consultation, and coordinating with the Puget Sound Partnership.

i. Co-Management of Fisheries

Treaties between Tribal Nations and the Washington territory were formed in the mid-19th century; tribes ceded much of their land but reserved hunting, fishing, and gathering rights in their usual place and way.¹⁵⁴ As the decades passed, though, the tribes' reserved rights were not respected, and they were often restricted from fishing. This led to the "fish wars" of the 1960s and 70s, which culminated in the violent arrest of more than sixty Tribal Citizens fishing in their treaty-reserved waters in 1974.¹⁵⁵ Soon after this, *U.S. v. Washington* was filed on behalf of the Tribal Nations, seeking to affirm their rights.¹⁵⁶ What resulted is the Boldt decision,¹⁵⁷ which affirmed treaty rights by mandating that Tribal Nations were entitled to half of the fish caught annually, and ordered the co-management

¹⁵² [Climate Impacts in the Northwest – Threatened Salmon Populations](#), U.S. ENV'T PROT. AGENCY (last visited July 23, 2025).

¹⁵³ The member Tribes are: Lummi, Nooksack, Swinomish, Upper Skagit, Sauk-Suiattle, Stillaguamish, Tulalip, Muckleshoot, Puyallup, Nisqually, Squaxin Island, Skokomish, Suquamish, Port Gamble S'Klallam, Jamestown S'Klallam, Lower Elwha Klallam, Makah, Quileute, Quinault, and Hoh. Northwest Indian Fisheries Commission, [About Us](#), NW INDIAN FISHERIES COMM'N (last visited July 23, 2025) [hereinafter NWIFC].

¹⁵⁴ Lynda Mapes, [The Fish Wars: A Timeline of the Origins and Effects of the Boldt Decision](#), THE SEATTLE TIMES (Jan. 14, 2024, 7:00 AM).

¹⁵⁵ Luna Reyna, [The 50th Anniversary of the Boldt Decision is a Celebration of Native Leadership](#), OR. PUB. BROAD. (Mar. 3, 2024, 8:00 AM).

¹⁵⁶ *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974)

¹⁵⁷ The Boldt decision gets its namesake from the judge that decided the case, George Boldt. *See* Mapes, *supra* note 152.

of fisheries in the region.¹⁵⁸ Prior to the Boldt decision, tribal fishers were catching less than 5% of the fish and being punished for it, which highlights how transformational the judicial order was for affirming tribal rights.¹⁵⁹

The Boldt decision spurred the creation of the Northwest Indian Fisheries Commission (NWIFC), an intertribal group.¹⁶⁰ The NWIFC includes representatives of each member tribe, with each tribe electing a chair, vice chair, and treasurer.¹⁶¹ These tribal representatives collaborate and make recommendations to the NWIFC executive director, who implements them.¹⁶² NWIFC increases each tribe's capacity to fulfill its co-management role through direct services, including providing biometric and fish health data, as well as helping secure and use federal funding.¹⁶³ These capacity-building efforts have allowed tribes to maintain a monitoring staff to record catch data, which is shared with state co-managers at the Washington Department of Fish and Wildlife, allowing a more accurate snapshot of the state of fish populations.¹⁶⁴

Indeed, the state agency co-managers and tribes have formal data-sharing agreements.¹⁶⁵ The NWIFC merged its Salmon and Steelhead Habitat Inventory and Assessment Program data with the state Department of Fish and Wildlife data. This collaboration led to the creation of the interactive Statewide Washington Integrated Fish Distribution map tool.¹⁶⁶ This tool maps the distribution of fish statewide, making it a single source of data for habitat analysis and species recovery efforts.¹⁶⁷

¹⁵⁸ U.S. v. Washington, 384 F. Supp. at 340, 343.

¹⁵⁹ People Places Planet, *The Youth Review: Government-to-Government Consultation with Tribal Nations During Constant Environmental Change*, ENV'T L. INST., at 11:35 (Jan. 30, 2024).

¹⁶⁰ NWIFC, *supra* note 151.

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Questions and Answers on Tribal Salmon Fisheries*, NW. INDIAN FISHERIES COMM'N (last visited July 23, 2025).

¹⁶⁵ See Kari Neumeyer, *Tribal and State Co-managers Integrate Fish Distribution Data*, NW. INDIAN FISHERIES COMM'N (Apr. 3, 2014).

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

Although the population of fish in the watershed is threatened, tribal and state collaboration has allowed for some success stories. In an eastern fork of the Sound, on Hood Canal, one species of salmon has seen an average return of more than 30,000 fish in recent years, up from less than a thousand in 1990.¹⁶⁸

Successful projects like the one at Hood Canal are possible not only because of the NWIFC's capacity support, but also because of the federal funding the group receives. NWIFC receives federal funding that greatly increases large scale restoration; the group has noted that "[NOAA's] Pacific Coastal Salmon Recovery Fund and EPA's Puget Sound Geographic Program funding have supported projects that have protected and restored fish access to more than 1 million acres of spawning and rearing habitat, and removed hundreds of fish passage barriers."¹⁶⁹ In 2024, NWIFC received \$43 million in federal grant awards and subawards to continue its vital work in the region.¹⁷⁰ Providing funds for Tribal Nations-led recovery is critical to support sovereignty and self-determination because it allows tribes to fight for the lifeways that have supported them for thousands of years.

ii. Tribal Consultation Frameworks in Washington State

Tribal consultation policies in Washington take several forms. Agreements between the Tribal Nations and Washington were formed as early as 1989 and affirmed in 1999, building upon the collaborative mandate and affirmation of treaty rights from the Boldt decision. There is also a statutory basis requiring consultation, though it lacks the enforcement mechanisms necessary to give tribes recourse when they are not involved in decision-making processes.¹⁷¹

¹⁶⁸ NW. INDIAN FISHERIES COMM'N, [TRIBAL NATURAL RESOURCES MANAGEMENT: 2024 ANNUAL REPORT FROM THE TREATY TRIBES IN WESTERN WASHINGTON](#) 5 (2024).

¹⁶⁹ *Id.* at 10.

¹⁷⁰ [Northwest Indian Fisheries Commission](#), GOVTRIBE (last visited July 23, 2025).

¹⁷¹ The State/Tribal Relations Act states that "[n]othing in this chapter creates a right of action against a state agency or a right of review of an action by a state agency." WASH. REV. CODE § 43.376.060.

1. The Centennial Accord and the Centennial Accord Millennium Agreement

In 1989, the state and Tribal Nations co-drafted and signed an agreement recognizing tribal sovereignty, committing to a government-to-government relationship, and providing a framework for consultation.¹⁷² The 1989 Accord required state agencies to develop a tribal consultation policy and created an annual meeting.¹⁷³ Under the Accord, the governor's chief of staff is responsible for implementing agency consultation policies, and the Governor's Office of Indian Affairs ensures that agency directors are appropriately educated on what government-to-government engagement looks like.¹⁷⁴

In 1999, the state and Tribal Nations signed the Centennial Accord Millennium Agreement.¹⁷⁵ It reaffirms the principles of the 1989 Accord, lays out what the consultation process should look like, and outlines a dispute resolution process for when agreement cannot be reached. The 1999 Agreement implementation guidelines require the following consultation elements: (1) identify the participants in the process, (2) provide a clear description of the issue, (3) allow ample time to review documents and respond to requests for consultation, (4) establish and adhere to a schedule for consultation, (5) recognize that tribes are traditionally, culturally, and administratively different from each other, (6) use workgroups to make recommendations, and (7) report on the outcome of the consultation.¹⁷⁶

The 1999 Agreement implementation guidelines implicitly acknowledge that consultation will not always be successful by including a dispute resolution process.¹⁷⁷ Parties are directed to establish a process for resolving disputes when they arise, and in the event that resolution is unachievable, the Agreement recognizes that "each party is free to pursue its interests through means it deems appropriate, including litigation," though the Agreement itself does not create a

¹⁷² ENV'T L. INST., [TRIBAL CONSULTATION IN WASHINGTON STATE](#) 1 (2024).

¹⁷³ *Id.* at 2–3.

¹⁷⁴ *Id.* at 3.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.* at 4–5.

¹⁷⁷ *Id.* at 5.

cause of action.¹⁷⁸ In the event of litigation, the Agreement recommends that the parties meet to understand each other's position and streamline the process.¹⁷⁹

Pursuant to these agreements, the state Department of Natural Resources has a consultation policy that pertains to natural resources management.¹⁸⁰ The policy calls for communication early in the consultation process, and notes that a second consultation may be needed as projects develop.¹⁸¹ The Department is required to use the state's Archaeological and Historic Preservation Tribal Consultation Map to "identify and notify Tribes with interests known to overlap project areas, including when tribal land or known Usual and Accustomed areas overlap with project areas."¹⁸² Tribes may then decide if they would like to participate in consultation.¹⁸³

The Washington Department of Fish and Wildlife signed a consultation policy in 1998 that emphasizes co-management.¹⁸⁴ The policy purports to follow five key principles: (1) cooperate with tribes to resolve issues through direct communication, (2) support tribal self-determination, (3) engage tribal representatives in wildlife management, (4) work with tribes to make a data exchange system, and (5) develop enforcement protocols to guide state officers in their contact with tribal hunters.¹⁸⁵

¹⁷⁸ [New Millennium Agreement, Government-to-Government Implementation Guidelines](#) § III. Dispute Resolution (Nov. 13, 1999).

¹⁷⁹ *Id.*

¹⁸⁰ ENV'T L. INST., *supra* note 170, at 12.

¹⁸¹ *Id.* at 13.

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ *Id.* at 14. It does not appear that these tenets are always adhered to; the NWIFC notes that in 2023 the department's commission pushed through a conservation plan without tribal input. NW. INDIAN FISHERIES COMM'N, *supra* note 166, at 4.

2. The State/Tribal Relations Act

Washington passed legislation regarding tribal consultation in the State/Tribal Relations Act.¹⁸⁶ The Act creates a state agency tribal liaison that reports to the agency head and is responsible for implementing the consultation policy, communicating with Tribal Nations, and coordinating employee training on the government-to-government relationship.¹⁸⁷ It also requires an annual meeting between tribal leaders and state officials, and requires each state agency to create an annual report describing tribal involvement for the governor.¹⁸⁸

iii. *Puget Sound Partnership*

The Puget Sound Partnership (PSP) is a Washington nonregulatory state agency created in 2007 that is leading the region's collective effort to restore and protect the Puget Sound.¹⁸⁹ The PSP seeks to improve the environmental health of the Sound by aligning federal agencies, tribal governments and organizations, state agencies, regional entities, local governments, non-profits, higher education, the private sector, and people in the region.¹⁹⁰

In 2016, Region 10 of the EPA launched a funding model to speed up recovery and protect the Sound.¹⁹¹ This funding supports the PSP, the NWIFC, and other strategic initiatives managed by state agencies to fulfill their missions.¹⁹² The funding model links these organizations under a united mission,

¹⁸⁶ Codified as "Government-to-Government Relationship with Indian Tribes." WASH. REV. CODE § 43.376.

¹⁸⁷ ENV'T L. INST., *supra* note 170, at 6.

¹⁸⁸ *Id.*

¹⁸⁹ [Puget Sound National Estuary Program \(NEP\)](#), PUGET SOUND P'SHIP (July 10, 2025).

¹⁹⁰ *Id.*

¹⁹¹ *Id.* Congress has appropriated funds for these recovery efforts. [Funding and Grants for Puget Sound](#), U.S. ENV'T PROT. AGENCY (May 1, 2025) ("The EPA receives money from Congress to help protect and restore Puget Sound. These funds are used to help implement Washington's Puget Sound Action Agenda using cooperative agreements with designated state agencies, local and Tribal governments, universities and non-governmental organizations.").

¹⁹² [Puget Sound National Estuary Program \(NEP\)](#), *supra* note 187.

which is discussed when PSP convenes the Puget Sound Management Conference to make the Puget Sound Action Agenda.¹⁹³

The PSP has three boards established by statute: the Leadership Council, the Ecosystem Coordination Board, and the Science Panel.¹⁹⁴ The Leadership Council is the PSP's governing body, made up of seven members appointed by the Governor.¹⁹⁵ The Ecosystem Coordination Board is a partnership board that advises the Leadership Council, and is made up of twenty-seven members who represent specific interests around the Sound.¹⁹⁶ Both the Leadership Council and the Ecosystem Coordination Board have tribal representation.¹⁹⁷

In addition to its three statutory boards, the PSP also has two advisory boards: the Salmon Recovery Council and the Ecosystem Monitoring Program Steering Committee.¹⁹⁸ The Salmon Recovery Council advises the Leadership Council on species recovery and has representatives from every tribe.¹⁹⁹ The Ecosystem Monitoring Program Steering Committee also has tribal representation to help with its goal of generating, organizing, and communicating scientific information to track conditions related to the Sound's recovery.²⁰⁰

The PSP has a Partnership Tribal Co-Management Council that convenes once a month and is co-chaired by the Leadership Council Chair and the Northwest Indian Fisheries Commissioner.²⁰¹ This Council facilitates communication and coordination between the Puget Sound Partnership and Tribal Nations.²⁰² Here, the importance of *one-to-one* tribal consultation is highlighted: PSP consults with *each individual* tribal government, typically on legislative

¹⁹³ *Id.*

¹⁹⁴ [Tribal Relations](#), PUGET SOUND P'SHIP (July 14, 2025).

¹⁹⁵ PUGET SOUND P'SHIP, [CENTENNIAL ACCORD PLAN](#) 3 (2025).

¹⁹⁶ *Id.* at 12.

¹⁹⁷ *Id.* at 5.

¹⁹⁸ *Id.*

¹⁹⁹ [About The Salmon Recovery Council](#), PUGET SOUND P'SHIP (last visited July 30, 2025).

²⁰⁰ [Puget Sound Ecosystem Monitoring Program \(PSEMP\) Overview](#), PUGET SOUND P'SHIP (Apr. 3, 2025).

²⁰¹ [Partnership Tribal Co-Management Council \(PTCC\)](#), PUGET SOUND P'SHIP (Jan. 15, 2025).

²⁰² *Id.*

issues, species and habitat protection and restoration, and program updates.²⁰³ Lea Anne Burke, the Partnership's Tribal Affairs Manager, notes that each sovereign Nation is unique and distinct, warranting one-on-one consultation with each.²⁰⁴

Burke also stresses that tribal representation on boards and committees is not itself enough to satisfy government-to-government relationship requirements.²⁰⁵ Burke notes that PSP boards are public spaces with multiple interests and representatives.²⁰⁶ While tribal representation on these boards is vital to discussions, sharing data, and decision-making, their sovereignty and collective role as equitable co-managers of natural resources give them legal rights and authority that other entities don't have.²⁰⁷ This gives tribes the right and opportunity to engage with Washington in a sovereign-to-sovereign dynamic outside of public meetings.²⁰⁸ Burke emphasizes that early, often, and pre-decisional engagement with individual tribes is foundational to the PSP's work and leads to informed, nuanced collaboration—and happens well before a formal invitation for consultation occurs.²⁰⁹

The Puget Sound region exemplifies a strong tribal-federal-state partnership grounded in legal recognition of tribal treaty rights, sustained consultation policies, and coordinated environmental efforts like data sharing and fishery management. Together, these systems create one of the most robust and well-funded environmental governance models in the country, centered on shared stewardship and respect for tribal knowledge.

²⁰³ *Id.*

²⁰⁴ Email from Lea Anne Burke, Tribal Affairs Manager, Puget Sound Partnership, to Lauren Wiederkehr, law student (July 29, 2025, 02:46 PM EST) (on file with authors).

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

C. Case Study III: The California Coast

California is home to 109 federally recognized tribes.²¹⁰ Many of these tribes have ancestral lands along the coast,²¹¹ which increasingly face sea level rise, frequent and intense storm events, ocean acidification, flooding, and threats to species diversity and distribution.²¹² Tribal-federal-state partnerships in California are supported by state legislation requiring consultation and a regional coalition of tribes with a shared mission of coastal stewardship.

Tribes in California are unique in that a vast majority of the treaties that tribes signed with the United States between 1851 and 1852 were never ratified by the U.S. Senate—making them invalid in the eyes of the federal government.²¹³ To date, this has left a lot of land issues and reserved rights for fishing or hunting unresolved.²¹⁴ Some tribes have used litigation, and even bolder unilateral acts of sovereignty, to assert reserved rights and co-management. In the first designation of its kind in the United States, a coalition of tribes declared a region of the California coast as a protected indigenous marine stewardship area.

i. *California's Consultation Laws*1. Assembly Bill 52

In 2014, the California legislature passed Assembly Bill 52 (AB52), which amended the California Environmental Quality Act (CEQA) to add protections for “[t]ribal cultural resources.”²¹⁵ The law defines tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value that are in the state or local register of historical resources.²¹⁶ AB52 requires state

²¹⁰ [California Tribal Communities](#), CAL. CTS. (last visited July 23, 2025).

²¹¹ *Id.*

²¹² [Climate Change](#), CAL. COASTAL COMM’N (last visited July 23, 2025).

²¹³ This was the case for 18 treaties. Larisa K. Miller, [The Secret Treaties With California's Indians](#), NAT’L ARCHIVES 39 (last visited July 23, 2025).

²¹⁴ *Id.*

²¹⁵ Assemb. B. 52, § 4, 2014–2015 Leg., Reg. Sess. (Cal., 2014).

²¹⁶ *Id.*

agencies to contact tribes about CEQA projects and meaningfully consult with them within thirty days if requested; under this amendment, a substantive impact to a tribal cultural resource is a significant impact to the environment.²¹⁷

Although the intent of this law was likely to increase communication between state agencies and tribes, a review from the Environmental Law Institute found that Tribal Nation members did not see a significant increase in their influence on projects.²¹⁸ From the perspective of many Tribal Nations in California, consultation is an unfunded mandate imposed upon them, and limited resources constrain consultation efforts.²¹⁹ However, a new development in the legal standard of tribal-state consultation may help in mitigating these issues.

In March 2025, a California court spoke to what “meaningful consultation” looks like, and vacated the City of Clearlake’s mitigated negative declaration finding—a prerequisite to construct a hotel.²²⁰ The Koi Nation of Northern California is affiliated with an area of the project²²¹ and sued the City of Clearlake when it discontinued consultation after one meeting, adopted the declaration, and disregarded a majority of tribal requests without explanation.²²² The court held that this was insufficient for the “meaningful consultation” required under CEQA and stated that consultation must be directed toward seeking agreement.²²³ By interpreting the law this way, the court’s holding “is not merely procedural, but substantive—requiring reciprocal communication, thorough documentation, and a demonstrable effort to address tribal concerns.”²²⁴

²¹⁷ Merri Lopez-Keifer, *Remarks at Advancing Tribal Sovereignty: Lessons from the Implementation of Tribal Consultation Laws in California* 53:16 (Sept. 23, 2024) (panel discussion).

²¹⁸ ENV’T L. INST., *ANALYSIS OF TRIBAL CONSULTATION IN CALIFORNIA UNDER SB 18 AND AB 52 EXECUTIVE SUMMARY* 1 (2024).

²¹⁹ Greta Swanson, *Remarks at Advancing Tribal Sovereignty: Lessons from the Implementation of Tribal Consultation Laws in California* 16:15 (Sept. 23, 2024) (panel discussion).

²²⁰ *Koi Nation of N. Cal. v. City of Clearlake*, 330 Cal. Rptr. 3d 718, 723 (Ct. App. 2025).

²²¹ *Id.* at 721.

²²² *Id.* at 727.

²²³ *Id.* at 736.

²²⁴ Jennifer Jeffers & Laura Tepper, *California Court Clarifies CEQA Tribal Consultation Duties in First Published AB 52 Decision*, ALLEN MATKINS (Apr. 10, 2025).

Now, the Koi Nation may re-engage with the city to protect their interests, and state agencies have clarification on their consultation duties under AB52.

2. Assembly Bill 1284

Assembly Bill 1284 (AB1284), passed in 2024, is known as the “Tribal Cogovernance and Comanagement of Ancestral Lands and Waters Act.”²²⁵ The law encourages co-management agreements between the state and tribes to address climate threats along the coast and inland.²²⁶ It also recognizes the value of indigenous traditional knowledge of the natural systems in California.²²⁷ This law was passed after a unilateral showing of tribal sovereignty by several California Tribes, discussed below, and seemingly responded in support of that unilateral act.²²⁸

ii. The Tribal Marine Stewards Network and the Yurok-Tolowa-Dee-ni’ Indigenous Marine Stewardship Area

The Tribal Marine Stewards Network (TMSN) was formed in 2022 and is a coalition of five Tribal Nations with the goal of “steward[ing] ocean and coastal resources within their ancestral territories.”²²⁹ The organization aims to support member and nonmember tribes by connecting them to California state agencies, universities, and NGOs that will assist in executing co-management of threatened natural resources.²³⁰ The TMSN recognizes that building capacity within tribes is essential to this effort, seeking to “[e]stablish long-term, consistent engagement

²²⁵ Assemb. B. 1284, § 11019.82, 2023–2024 Leg., Reg. Sess. (Cal., 2024).

²²⁶ Jos Hill & Bobby Hayden, [New California Law Means Clearer Path for Tribes to Co-Manage Lands and Waters](#), PEW (Sept. 27, 2024).

²²⁷ Cal. Assemb. B. 1284 § 1.

²²⁸ Hill & Hayden, *supra* note 224 (describing how tribal governments designated the Yurok-Tolowa-Dee-ni’ Indigenous Marine Stewardship Area off the northwest California coast).

²²⁹ The four founding Tribes are the Tolowa Dee-ni’ Nation, Pulikla Tribe of Yurok People, Kashia Band of Pomo Indians, and the Amah Mutsun Tribal Band. The Santa Ynez Band of Chumash Indians has also joined. [FAQs](#), TRIBAL MARINE STEWARDS NETWORK (last visited Oct. 15, 2025).

²³⁰ *Id.*

with federal and California state agencies” and to “[d]evelop a funding strategy to support capacity within internal programs.”²³¹

The TMSN Tribes work with each other and independently to implement “Indigenous Traditional Knowledge” in natural resource management projects.²³² In one of these projects, the Pulikla Tribe, Tolowa Dee-ni’ Nation, and the Kashia Band of Pomo Indians launched the Tribal Intertidal Digital Ecological Surveys project with the University of California.²³³ There, suspended cameras capture images of intertidal habitats to create 3D mapping to monitor changes in the tribes’ ancestral waters.²³⁴ Projects like this are made possible by the TMSN’s diverse array of financial supporters, including private and public entities, like California state agencies.²³⁵

In 2023, three of the Tribal Nations in the TMSN—the Tolowa Dee-ni’ Nation, Pulikla Tribe of Yurok People, and Cher-Ae Heights Indian Community of Trinidad Rancheria—unilaterally designated 700 square miles along the coast as the Yurok-Tolowa-Dee-ni’ Indigenous Marine Stewardship Area (IMSA).²³⁶ The IMSA stretches from the coastal forests of the northern California border to south of Trinidad, California, and extends three miles offshore into the Pacific Ocean.²³⁷ This area is sacred land to these Tribes and home to valuable cultural symbols and resources, like mussels, kelp, salmon, shorebirds, and eels.²³⁸

The designation of the IMSA as protected land is the first of its kind enacted by tribal governments in the United States.²³⁹ With this designation, the

²³¹ *What We Do*, TRIBAL MARINE STEWARDS NETWORK (last visited Oct. 15, 2025).

²³² *Id.*

²³³ John Briley, *Tribal Nations Announce First Ocean and Coastal Protections in U.S.*, PEW (May 29, 2024).

²³⁴ *Id.*

²³⁵ California funds have come from the Ocean Protection Council, the Natural Resources Agency, and the Department of Public Health. Private funders include Ecotrust, Pew Charitable Trusts, 11th Hour Project, The David and Lucile Packard Foundation, Resources Legacy Fund, and the CA Indian Environmental Alliance. *FAQs*, *supra* note 227.

²³⁶ Manola Secaira, *Tribes Designate a Marine Stewardship Area in Northern California*, CAP. PUB. RADIO (Sept. 25, 2023).

²³⁷ Briley, *supra* note 231.

²³⁸ *Id.*

²³⁹ *Id.*

Tribes hope to enhance the already ongoing ocean and coastal research and species monitoring projects.²⁴⁰ Although jurisdictional questions could arise as the state and federal governments concurrently manage this area with the Tribes, this bold act of authority in environmental stewardship asserts the Tribes' sovereign status and right to self-determination.²⁴¹ Indeed, AB1284, the Cogovernance and Comanagement law, was passed by California only a year after the IMSA was created and seemingly in response to the IMSA.²⁴²

Together, California's legislatively crafted and judicially clarified consultation laws, landmark legislation like AB1284, and the work of the TMSN represent a powerful shift toward restoring Indigenous governance and stewardship across the California coast. These efforts are not only responding to the crisis of changing environmental conditions, but also address centuries of legal exclusion and broken treaties that have left many tribes without clear rights to their ancestral lands and waters. California Tribes are reclaiming their roles as environmental leaders by asserting sovereignty through co-management agreements, litigation, and Indigenous-led conservation initiatives like the Yurok-Tolowa-Dee-ni' Indigenous Marine Stewardship Area. The emerging framework—grounded in traditional knowledge and legally supported by evolving state policy—offers a path forward for collaborative and resilient stewardship of coastal ecosystems.

D. Overview of Best Practices from Case Studies

The tribal, state, and federal partnerships in these case studies exhibit that intergovernmental collaboration on natural resources related to managing the health of large watersheds are occurring successfully all over the United States. The best practices that emerge from these partnerships are based on feedback from Tribal Nations and can all be distilled into the principle of respecting tribal sovereignty and Indigenous Knowledge as co-equals to state and federal

²⁴⁰ *Id.*

²⁴¹ Adam Crepelle, *The Never-Ending Struggle for Tribal Fishing Rights*, GEORGE MASON UNIV. MERCATUS CTR. (Dec. 20, 2023).

²⁴² *See* Briley, *supra* note 231.

sovereignty and Western knowledge. Moreover, reported best practices seem to echo the tenets of free, prior, and informed consent.²⁴³

i. Tribal Capacity Challenges Must be Recognized and Addressed

Successful tribal-federal-state partnerships acknowledge and aim to address tribes' limited resources. Typically, this capacity challenge is addressed by providing funds to Tribal Nations to build infrastructure that supports tribal engagement.²⁴⁴ Often, funding is provided by federal government programs. These funds support tribal coalitions like the GLIFWC and NWIFC, which in turn support regional tribes and help put tribes on a more equal footing with state and local governments, academic, and NGO partners that routinely receive federal funds for many of the same purposes. Capacity building among tribes is a foundational need and supports all of the other best practices in this section.

ii. Communication with Tribes Should Happen as Early as Possible

When decisions are being made about natural resources that Tribal Nations have an interest in, contact should be made as early as possible.²⁴⁵ This is more achievable when policies for contacting tribes are formalized and fully integrated within decision-making processes, including executive-level decisions, as appropriate.²⁴⁶ Early communication in partnerships can help avoid decisions being made without tribal involvement, which implicitly respects the government-to-government relationship between tribes, states, and the United States.

²⁴³ See discussion *supra* Section II.D.

²⁴⁴ See *supra* Sections III.A.i, III.A.ii., III.B.i.

²⁴⁵ See *supra* Sections III.A.i, III.B.ii.1.

²⁴⁶ See, e.g., *supra* Section III.B.ii.1.

iii. *Indigenous Knowledge Should be Used Alongside Other Knowledge Systems*

Indigenous Knowledge should be elevated in environmental decision-making because it offers place-based, intergenerational insight into ecosystem relationships that Western scientific systems can overlook.²⁴⁷ Frameworks that have dedicated working groups or task teams to analyze how Indigenous Knowledge can be implemented into conservation should be a given.

iv. *Building Relationships is Essential to Sustained Partnerships*

Strong partnerships are built on strong relationships between agency and tribal staff. State and federal agencies with designated tribal liaison positions built in by law may foster more consistent and proactive communication,²⁴⁸ which builds the trust needed to maintain long-term collaboration.

v. *Agency Staff Should Receive Training on Tribal Sovereignty and Culture*

Ensuring federal and state agency staff understand the nature of the government-to-government relationship is essential for respecting tribal sovereignty in partnerships. Ensuring that training and education are included in agencies' tribal communication policies can facilitate consistency and effectiveness.²⁴⁹

vi. *Indigenous Knowledge Should be Deferred to if Tribal Resources are Affected*

Part of respecting Tribal Nations' right to self-determination and authority is deferring to their assessment of how their resources will be affected by a proposed action. Cultural resource decisions should not be outsourced to non-

²⁴⁷ See *supra* Section III.A.i.

²⁴⁸ See *supra* Section III.A.iii.

²⁴⁹ See *supra* Sections III.A.iii., III.B.ii.1., III.B.ii.2.

tribal archaeologists or cultural resource management firms.²⁵⁰ This practice is often linked to the next one, the protection of cultural knowledge that tribes may want to keep confidential.

vii. *Sensitive Tribal Knowledge Shared Should be Kept Confidential*

Protection of sensitive tribal knowledge, a concept sometimes referred to as “data sovereignty,”²⁵¹ should be respected, which is why there needs to be a willingness to defer to tribes in decision-making. Laws that involve tribal communication, like consultation laws, should discuss confidentiality measures and sanctions to protect tribes’ cultural heritage.²⁵²

Successful intergovernmental partnerships aren’t just about having the right policies in place—they depend on how those policies are carried out. Practices like early communication, investing in tribal capacity, and elevating Indigenous Knowledge only work when there’s a genuine effort to build trust and treat tribes as equal partners. Good faith plays a critical role in this process; it’s what turns consultation into actual collaboration and makes room for tribal leadership in decisions that affect their lands and resources. Without maintenance of good-faith cooperation, even the most comprehensive policy frameworks risk falling short.

IV. THE CHESAPEAKE BAY REGION

The Chesapeake Bay and its surrounding watershed are on the frontlines of coastal environmental changes in the eastern United States. Sea-level rise, caused by both rising temperatures and land subsidence, has already raised water levels by about one foot over the past century, with projections estimating up to four feet more by 2100, threatening marshes, islands, and shoreline

²⁵⁰ See *supra* Section III.C.i.1.

²⁵¹ [U.S. Indigenous Data Sovereignty & Governance Summit 2024](#), U.S. INDIGENOUS DATA SOVEREIGNTY NETWORK (last visited July 23, 2025) (“Indigenous Data Sovereignty recognizes Indigenous Peoples’ inherent rights to access, use, and steward data critical for effective governance, and to govern those data according to their own values, principles, and practices.”).

²⁵² ENV’T L. INST., *supra* note 216, at 2.

infrastructure.²⁵³ At the same time, the Bay’s average water temperature has increased by approximately one degree Celsius over the past thirty years, stressing species like trout, blue crabs, striped bass, and eelgrass that depend on cold, oxygen-rich waters.²⁵⁴ Extreme weather patterns like drought and intense rainfall are intensifying nutrient runoff, sediment loading, and flooding across the watershed.²⁵⁵ According to 2025 Bay health assessments, these conditions led to a decline in the overall water-quality grade (from C+ to C), but experts warn that rising temperatures and storm frequency will increasingly strain the ecosystem and jeopardize ongoing restoration efforts.²⁵⁶ In spring 2025, the Bay’s hypoxic area (“dead zone”) reached a new record due to the elevated temperatures and severe precipitation that have become a hallmark of changing environmental conditions in the mid-Atlantic.²⁵⁷

No single case study reviewed in this article will provide a direct translation to the Chesapeake Bay region. However, the collaborations that other regions of the country have developed should serve as a guide. Like in each of the case studies, the Bay has an active coalition of Tribal Nations, and a regional compact of states in the watershed led by the EPA. Regional tribes are ready and willing to use Indigenous Knowledge to help restore the Bay—their ancestral lands—and should have a formal seat at the table where decisions are being made.

A. Tribal Nations in the Region

The Pamunkey Indian Tribe, Chickahominy Indian Tribe, Chickahominy Indian Tribe Eastern Division, Upper Mattaponi Tribe, Rappahannock Tribe, Nansemond Indian Nation, and Monacan Indian Nation are all federally recognized Tribes on tributaries to the Chesapeake Bay, in what is known today

²⁵³ Chesapeake Bay Found., [Climate Change](#), CHESAPEAKE BAY FOUND. (last visited July 24, 2025).

²⁵⁴ [Chesapeake Bay: Climate Change](#), NAT’L OCEANIC & ATMOSPHERIC ADMIN. FISHERIES (last visited July 25, 2025).

²⁵⁵ Chesapeake Bay Found., *supra* note 251; Ed. Bd., [Chesapeake Bay Is Stagnating. Here’s What Could Help](#), THE WASH. POST (Jul. 9, 2025).

²⁵⁶ Brian Witte, [Chesapeake Bay Health Grade Dips After Hottest Year on Record and Extreme Rainfall Patterns](#), AP NEWS (June 10, 2025).

²⁵⁷ [Chesapeake Bay Monitoring Shows Hypoxia Increased in June After Rainy May](#), MD. DEP’T OF NAT. RES. (July 16, 2025).

as Virginia. These Tribes have been stewarding this region since time immemorial.²⁵⁸ Most are members of the Algonquian-speaking communities historically tied to the Powhatan Confederacy, who cultivated maize, fished, hunted, and gathered for millennia prior to European Contact.²⁵⁹ The Monacan Nation comes from Virginia and North Carolina Eastern Siouan linguistic communities, making it culturally distinct from the coastal Algonquian groups.²⁶⁰ Over centuries, these Tribes endured displacement, population loss due to disease, colonization, and assimilationist policies—yet, they persisted in maintaining cultural identity and governance structures that they have today.²⁶¹

The Pamunkey Indian Tribe, located along its namesake Pamunkey River, became the first Tribe in Virginia to receive federal recognition.²⁶² After a long and complex bureaucratic process, the Tribe received federal recognition through the Bureau of Indian Affairs on July 2, 2015.²⁶³ The Pamunkey maintained a continuous presence on their reservation—one of the oldest in the United States.²⁶⁴ Federal recognition reaffirmed their sovereignty, eligibility for federal benefits, and trust responsibility obligations.

In January 2018, the Thomasina E. Jordan Indian Tribes of Virginia Recognition Act was passed by the U.S. Congress and signed into law by President Trump.²⁶⁵ The Act federally recognized the Chickahominy, Chickahominy Eastern Division, Upper Mattaponi, Rappahannock, Nansemond,

²⁵⁸ Lauren Hines-Acosta, *In Chesapeake Region, Indigenous Council Sees Conservation, Sovereignty as One*, BAY J. (Sept. 19, 2024).

²⁵⁹ *The Mattaponi Culture*, MATTAPONI INDIAN TRIBE & RSRV. (last visited July 23, 2025); *Consultation Policy*, RAPPAHANNOCK TRIBE (last visited July 23, 2025); *Tribal History*, NANSEMOND INDIAN NATION (last visited July 23, 2025); *Post-Contact Era (1500-1900)*, CHICKAHOMINY TRIBE (last visited July 23, 2025); *Tribal Land*, CHICKAHOMINY INDIAN TRIBE- E. DIV. (last visited July 23, 2025).

²⁶⁰ *Official Website*, MONACAN INDIAN NATION (last visited July 23, 2025).

²⁶¹ See *Post-Contact Era (1500-1900)*, CHICKAHOMINY TRIBE (last visited Feb. 10, 2026).

²⁶² *Federal Recognition for the Pamunkey*, NAT'L PARKS SERV. (Aug. 24, 2020).

²⁶³ Office of the Assistant Secretary – Indian Affairs, *Interior Department Issues Final Determination for Two Federal Acknowledgment Petitioners*, U.S. DEP'T OF THE INTERIOR (July 2, 2015).

²⁶⁴ *Reservation*, PAMUNKEY INDIAN TRIBE (last visited July 23, 2025).

²⁶⁵ Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017, Pub. L. No. 115-121, 132 Stat. 40 (2018).

and Monacan Nations as Sovereign Nations and created a legal statute for formal government-to-government relationships. Though done through a different avenue than the Pamunkey Tribe, this Act conferred most of the same federal benefits to these six Tribes.²⁶⁶

The Tribal Nations in Virginia are governed by the 1677 Treaty of Middle Plantation, which was signed with the British Crown.²⁶⁷ The treaty guaranteed the Tribes' land, as well as the right to fish and gather in their usual places as they always had.²⁶⁸ When the Tribes were federally recognized, nothing indicates that their rights outlined in the 1677 Treaty were abrogated. In fact, the congressional act that creates six of the seven federally recognized Tribes states that “[n]othing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.”²⁶⁹ The Tribes have not filed suit against the United States seeking co-management of the natural resources guaranteed by the 1677 Treaty since gaining federal recognition.

These Tribes have encountered resistance in asserting their 1677 Treaty reserved rights from the state of Virginia²⁷⁰ In July 2013, the Attorney General of Virginia issued a legal opinion that stated “Virginia Indians must follow [state] fish and wildlife laws and regulations with respect to seasons, moratoria, minimum size limits, possession limits, and method of take,” despite the Tribes' treaty-guaranteed fishing rights.²⁷¹ Although this opinion is not legally binding, it still has consequences for tribal fishers when a citation is issued and enforced against them in contravention of the 1677 Treaty.²⁷² Tribal fishers have noted that they have been harassed and ticketed by law enforcement who are not educated

²⁶⁶ The legislation bars the six tribes from gaming under the Indian Gaming Regulatory Act, whereas the Pamunkey Tribe is not prohibited from gaming activities. *Compare* Pub. L. No. 115-121, with Office of the Assistant Secretary – Indian Affairs, *supra* note 261.

²⁶⁷ *Articles of Peace (1677)*, ENCYCLOPEDIA VA. (last visited July 23, 2025).

²⁶⁸ *Id.*

²⁶⁹ Pub. L. No. 115-121.

²⁷⁰ Leslie Middleton, *Legal Ruling Challenges VA Tribes' Traditional Fishing Rights*, BAY J. (Oct. 16, 2014).

²⁷¹ *Id.*

²⁷² *Id.*

on the Treaty.²⁷³ Choosing not to prosecute is not the same as acknowledging tribes' reserved treaty rights to hunt and fish as they traditionally did, and Virginia's lack of clarification on this Attorney General opinion means that tribal fishers cannot meaningfully rely on their rights being respected by the state.

B. Tribal Nation Environmental Work in the Chesapeake Bay Watershed and the Indigenous Conservation Council of the Chesapeake Bay

The seven Tribal Nations described above maintain deep ancestral ties to the Chesapeake Bay watershed, where their ancestors fished, hunted, and cultivated plants along the streams and rivers feeding into the Bay. In recent years, these Tribes have led environmental restoration and climate resilience projects. For example, the Rappahannock Tribe has acquired over 1,000 acres of its ancestral land at Fones Cliffs. The Cliffs had been threatened by development for years; now, the Tribe will use Indigenous Knowledge to protect the bald eagles that nest there and continue passing on cultural knowledge to tribal youth through its Return to the River program.²⁷⁴ The Tribe is also using a federal Tribal Wildlife Grant to develop a mobile aquaculture unit to release herring and oysters into the Rappahannock River, which will improve native species populations and water quality.²⁷⁵

The Nansemond Indian Nation has acquired land that was once home to a cement factory on its namesake Nansemond River and is restoring the river by removing invasive species and planting native trees to re-establish the link between the forest and the marshes.²⁷⁶ The Tribe's former Environmental Program Coordinator, Cameron Bruce, says that he has seen more birds and larger

²⁷³ Email from Connor Tuppence, Tribal Court Administrator, Upper Mattaponi Tribe, to Lauren Wiederkehr, law student (Aug. 1, 2025, 11:50 AM EST) (on file with authors).

²⁷⁴ [*Rappahannock Tribe Purchases More Fones Cliffs Land*](#), RAPPAHANNOCK TIMES (Apr. 16, 2025).

²⁷⁵ Cindy Sandoval, [*Rappahannock Tribe Uses Service Grant for Culturally and Environmentally Important Restoration*](#), U.S. FISH & WILDLIFE SERV. (Jan. 13, 2025).

²⁷⁶ Lauren Hines-Acosta, [*Nansemond Indian Nation Aims to Heal Land, Water Along Their Namesake River*](#), VA. MERCURY (Aug. 14, 2024).

deer herds on the property since restoration efforts began.²⁷⁷ The Nansemond are also a part of the Chesapeake Bay Foundation's oyster program, where the Tribe grows baby oysters supplied by the Foundation and plants them on a sanctuary reef in the Nansemond River once they are adults.²⁷⁸

In 2019, the Chickahominy Tribe used a \$3.1 million grant from the state of Virginia to purchase 105 acres along the James River.²⁷⁹ The Tribe used a conservation easement that limits development and supports riparian buffers to restore the habitat and the neighboring river.²⁸⁰ Riparian buffers are streamside forests; they keep land in its natural forested state for the good of waterways, as they can trap polluted runoff and stabilize soil that would otherwise be washed into waterways.²⁸¹ The Chickahominy have used these techniques for centuries.²⁸²

The Monacan Indian Nation has created its own Priority Climate Action Plan (PCAP), funded by the EPA.²⁸³ The goal of this plan is to “reinforce tribal needs and sovereignty while also building resilience in the face of climate change,” and develop climate measures “on Monacan terms.”²⁸⁴ The Monacan's tribal landscape overlaps with significant tracts of protected land, like the George Washington and Thomas Jefferson National Forests.²⁸⁵ The PCAP prioritizes maintaining large, healthy forested land that contributes to its carbon-negative status, and seeks to connect its forests to larger ones.²⁸⁶ These forests hold

²⁷⁷ Joseph Lee, [Tribal Lands Were Stolen. What Happens When Those Ancestral Territories Are Returned?](#), VOX (Nov. 26, 2024).

²⁷⁸ Hines-Acosta, *supra* note 274.

²⁷⁹ Evan Visconti, [Va. Native American Tribes Acquiring More Lands for Cultural and Environmental Preservation](#), VA. MERCURY (Sept. 9, 2021, 12:02 AM).

²⁸⁰ *Id.*

²⁸¹ *Id.*

²⁸² *Id.*

²⁸³ MONACAN INDIAN NATION, [PRIORITY CLIMATE ACTION PLAN FOR THE MONACAN INDIAN NATION 1](#) (2024).

²⁸⁴ *Id.* at 5.

²⁸⁵ Forest Service, [Discover History](#), U.S. DEP'T OF AGRIC. (Apr. 11, 2025).

²⁸⁶ MONACAN INDIAN NATION, *supra* note 281, at 6.

riparian buffers that protect the Chesapeake Bay,²⁸⁷ like the Chickahominy Tribes maintain.

In 2023, the Upper Mattaponi Tribe received \$3 million from NOAA's Coastal Zone Management Habitat Protection and Restoration Grant to reacquire 853 acres of ancestral lands on the Mattaponi River.²⁸⁸ This re-acquisition enables the Tribe to protect its traditional lands from development and will strengthen its traditional stewardship practices for culturally significant species.²⁸⁹ Additionally, in 2024, the Upper Mattaponi Tribe began its own cutting-edge water quality monitoring program to track the health of its ancestral waters.²⁹⁰

Since being federally recognized, the Chickahominy Indian Tribe Eastern Division has developed a citizen science water quality program, as well as its own water monitoring program.²⁹¹ The data from the monitoring program has been shared with the Virginia Department of Environmental Quality and the Alliance for the Chesapeake Bay to measure the health of the watershed.²⁹² The Tribe has also partnered with the Chesapeake Bay Foundation to establish its own oyster garden and improve the quality of its waterways.²⁹³

These are only a few of the many significant restoration projects undertaken by the Tribes thus far to protect the Bay. In 2022, tribal leaders from all seven federally recognized Tribes in Virginia met after the Sovereign Nations of Virginia Conference and formed the Indigenous Conservation Council

²⁸⁷ See *George Washington & Jefferson National Forest*, THE GLOB. IMPROVEMENT GRP. (last visited July 30, 2025) (describing riparian buffer restoration in the Washington and Jefferson National Forests).

²⁸⁸ *Return to the River: The Upper Mattaponi Tribe Reclaim Their Ancestral Lands*, NAT'L OCEANIC & ATMOSPHERIC ADMIN. (Nov. 27, 2023).

²⁸⁹ *Id.*

²⁹⁰ Email from Melissa Ann Ehrenreich, Executive Director, Indigenous Conservation Council to Lauren Wiederkehr, law student (Sept. 19, 2025, 2:29 PM EST) (on file with authors).

²⁹¹ CULTURAL HERITAGE PARTNERS, A NEW ERA FOR INDIAN COUNTRY IN VIRGINIA: A REPORT ON THE RECENT ACHIEVEMENTS OF SIX FEDERALLY RECOGNIZED SOVEREIGN TRIBAL NATIONS, 10 (2024) (on file with authors).

²⁹² *Id.*

²⁹³ *Id.*

(ICC).²⁹⁴ This intertribal consortium serves as a shared platform for its Tribal Nation members to organize regional strategies for land repatriation²⁹⁵ and environmental stewardship in the Bay.²⁹⁶ Like the GLIFWC, NWIFC, and TMSN, the ICC is focused on supporting the sovereignty of member Tribes through capacity building and resource sharing.²⁹⁷ The Council meets quarterly to guide strategy, exchange best practices, and learn from other Indigenous-led conservation initiatives across North America.²⁹⁸

The seven Tribes in the ICC satisfy requirements for asserting aboriginal title rights, as they have had actual, continuous, and exclusive use of their ancestral lands prior to 1677. This is evidenced by the fact that the Tribal Nations have exercised traditional treaty rights reserved in the 1677 Treaty of Middle Plantation, and continually upheld their obligations under it by paying annual tribute to the Commonwealth of Virginia.²⁹⁹

Nothing suggests that affiliation with the ICC must be limited to Tribal Nations in Virginia. The ICC's bylaws establish that the organization may expand to support Tribal Nations across the Chesapeake Bay watershed.³⁰⁰ The bylaws do not limit potential affiliation to federally recognized Tribal Nations.³⁰¹ This provision leaves open the possibility for expanded tribal collaboration on restoration and conservation efforts in the Chesapeake watershed under the ICC's name.

²⁹⁴ [Our Purpose](#), INDIGENOUS CONSERVATION COUNCIL OF THE CHESAPEAKE BAY (last visited July 25, 2025).

²⁹⁵ Repatriation means restoring “sacred relationships with [tribes’] ancestral lands and cultures.” Lauren Hines-Acosta, [In Chesapeake Region, Indigenous Council Sees Conservation, Sovereignty as One](#), BAY J. (Sept. 19, 2024).

²⁹⁶ *Id.*

²⁹⁷ *Id.*

²⁹⁸ *Id.*; *Our Purpose*, *supra* note 292.

²⁹⁹ [Governor Glenn Youngkin Participates in the 347th Tribute Ceremony](#), GOVERNOR OF VA. (Nov. 26, 2024) (“Today’s ceremony holds immense significance as it reminds us of the *tradition of honoring and upholding our treaty obligations*, thereby strengthening the ties between these Tribal nations and the Commonwealth of Virginia,” said Secretary of the Commonwealth Kelly Gee.) (emphasis added).

³⁰⁰ INDIGENOUS CONSERVATION COUNCIL, [BYLAWS §3.2, NON-VOTING AFFILIATES](#) 3 (2023).

³⁰¹ *Id.*

As these stories demonstrate, the seeds for federal and state partnerships with Tribal Nations in Virginia have already been sown, and many benefits have already been reaped. However, there is still an opportunity being missed that could transform Bay conservation and restoration efforts; an opportunity for greater tribal involvement that is overwhelmingly supported by the nonprofit watershed organizations desiring stronger leadership from regional sovereign entities.

C. An Opportunity for a Collaborative Partnership

The Chesapeake Bay Program (CBP) is a longstanding regional partnership started in 1983 that coordinates and funds restoration and conservation efforts in the Chesapeake Bay watershed.³⁰² It brings together federal agencies (led by the EPA), the six watershed states (Virginia, West Virginia, Maryland, New York, Delaware, and Pennsylvania), the District of Columbia, and the Chesapeake Bay Commission, in coordination with academic institutions, nonprofits, and local governments to implement pollution reductions, habitat restoration, land conservation, and resource sustainability initiatives.³⁰³ The Program is administered through EPA's Chesapeake Bay Program Office and oversees a range of grants, like Chesapeake Bay Implementation Grants and Small Watershed Grants, providing financial and technical assistance to further restoration and resiliency.³⁰⁴ Jurisdiction funding is also included, which is guaranteed, non-competitive funds.³⁰⁵ The Program is charged with executing the Chesapeake Bay Watershed Agreement of 2014, which is currently undergoing revisions to address priorities beyond 2025 (the target year for many of the outcomes listed in the 2014 Agreement).³⁰⁶

Indigenous voices and Indigenous-led initiatives are a glaring omission in the Program's membership and 2014 Watershed Agreement, standing in stark contrast to the many other regional watershed efforts around the United States, as

³⁰² [Chesapeake Bay Program \(CBP\)](#), U.S. ENV'T PROT. AGENCY (Apr. 15, 2025).

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ U.S. ENV'T PROT. AGENCY, [2025 GRANT AND COOPERATIVE AGREEMENT GUIDANCE](#) 6 (2025).

³⁰⁶ [Watershed Agreement](#), CHESAPEAKE BAY PROGRAM (last visited July 25, 2025).

discussed above. In June of 2025, The CBP skirted the ICC's formal request to be added as signatories on the new Agreement and receive a seat on the governing body's council,³⁰⁷ despite Virginia Tribal Nations' demonstrable success in restoring rematriated land, aligned mission in restoring bay health, and recent federal recognition as sovereign Tribal Nations.³⁰⁸ Although the Principals' Staff Committee noted that they were not directed to consider new signatories to the Program,³⁰⁹ the Executive Council could issue a new directive allowing the ICC to become a signatory and receive representation on the Council.³¹⁰

In November of 2025, the Principals' Staff Committee reversed course on the ICC's formal inclusion in a significant way. The Committee voted unanimously to issue a charge, *Tribes as a Formal and Enduring Partner in the Chesapeake Bay Program Partnership*, for the Executive Council's approval.³¹¹ The Committee will establish a team to make recommendations on a framework to include indigenous voices, subject to the Executive Council's review.³¹² Given all the successful models of partnerships around the country that crystallize best practices, the Committee has many examples to draw from in crafting this framework. On December 2, 2025, the Executive Council formally voted on this charge at its annual meeting, and the Principals' Staff Committee will submit its proposed framework by July 1, 2026.³¹³

³⁰⁷ The governing body's council is the Executive Council and is made up of the governors of each watershed state, the mayor of D.C., the chair of the Chesapeake Bay Commission, and the administrator of the EPA. Lauren Hines-Acosta, [Indigenous Tribes Ask for Seat in Chesapeake Bay Program](#), BAY J. (May 15, 2025).

³⁰⁸ *Id.*

³⁰⁹ [Letter from Josh Kurtz, Principals' Staff Comm. Chair, Chesapeake Bay Program](#), to Melissa Ann Ehrenreich, Exec. Dir., Indigenous Conservation Council of the Chesapeake Bay (June 27, 2025) ("We have not been expressly directed by the Executive Council to discuss changes to or expansion of Executive Council membership.").

³¹⁰ Aman Azhar, [Chesapeake Bay Program Says No to Full Membership for Virginia Tribal Nations—For Now](#) INSIDE CLIMATE NEWS (June 27, 2025).

³¹¹ [Principals' Staff Committee Meeting Actions and Decisions](#), CHESAPEAKE BAY PROGRAM (Nov. 6, 2025).

³¹² *Id.*

³¹³ [Chesapeake Executive Council Charge to the Principals' Staff Committee: Tribes as a Formal and Enduring Partner in the Chesapeake Bay Program](#), CHESAPEAKE BAY PROGRAM (DEC. 2, 2025).

As a consortium of sovereign Tribal Nations, the ICC should be properly included as an interested government. All of the federally recognized tribes hold title to ancestral lands located on tributaries and rivers mapped by the Chesapeake Bay Program.³¹⁴ Any policies adopted in the revised Watershed Agreement will affect the progress of environmental health of these waters considering that many tribal lands of interest mapped for protection and co-management by the federally recognized tribes are located in Areas of Unprotected Biodiversity Importance (AUBI) as mapped by NatureServe.³¹⁵ As the Chesapeake region is in the midst of defaulting on yet another restoration deadline in 2025, such progress and leadership is desperately needed.

V. CONCLUSION

Across the nation, Tribal Nations are reclaiming their rightful place as leaders among governmental efforts to restore land and waters. Whether through enforcement of treaty rights, land repatriation, or direct designation of co-managed marine and riverine areas, Indigenous leadership is reshaping what environmental governance looks like. The integration of Indigenous Knowledge is essential to the success of any environmental strategy that hopes to be holistic, adaptive, and place-based. This type of Indigenous Knowledge offers insights grounded in centuries of lived experience and relational understandings of ecosystems, and when honored alongside Western scientific systems, it strengthens outcomes for both human and non-human communities.

³¹⁴ See Evan Visconti, [Rappahannock Tribe Acquires Nearly 1,000 Acres Along Its Namesake River](#), VA. MERCURY (Apr. 18, 2025, 5:29 AM); Whitney Pipkin, [Mattaponi Reclaim Ancestral Lands](#), CHESAPEAKE BAY MAG. (May 15, 2023); [Chickahominy](#), VA. PLACES (last visited July 25, 2025); [We Are the Pamunkey Indian Tribe](#), PAMUNKEY INDIAN TRIBE (last visited July 25, 2025); [DU, Partners Help Return Ancestral Land to the Nansemond Indian Nation](#), DUCKS UNLIMITED (Oct. 21, 2022).

³¹⁵ NatureServe is an authoritative source for biodiversity data through North America that works with over sixty network organizations to collect, analyze, and map biodiversity knowledge for public use. [Who We Are](#), NATURESERVE (last visited Aug. 1, 2025); NatureServe, [Areas of Unprotected Biodiversity Importance of Imperiled Species in the United States](#), NATURESERVE (last visited Aug. 1, 2025).

The case studies discussed show that partnerships have successfully grown for decades in large watersheds and estuaries around the country. These frameworks and funding structures can be adapted to the Chesapeake Bay region, where infrastructure like a regional governing body (the Chesapeake Bay Program) and a consortium of Tribal Nations (the Indigenous Conservation Council) already exist. Indeed, the relatively new designation of Virginia Tribes as federally recognized sovereigns requires their inclusion in the Bay Program to fulfill the obligations of federal and state governments to engage in government-to-government relations, not to mention to achieve their core goal of supporting the effective, efficient, and inclusive administration of the Program to meet its stated objectives.

Recognizing tribal sovereignty is not a symbolic act; it is a legal and moral obligation. Genuine co-management demands a shift from consultation to consent, from token involvement to co-equal authority. This includes respecting tribal capacity constraints, protecting sensitive knowledge, and allowing tribal communities to determine how their lands and waters are managed. The efforts of Virginia's Tribal Nations and others across the country demonstrate that when tribes lead, ecosystems recover, cultures thrive, and new models of shared governance take root. These lessons must shape the next chapter of environmental law and policy—not only in the Chesapeake Bay, but across the nation.