

TRIBAL LEADERSHIP TO MEET VIRGINIA'S CLIMATE CHALLENGES

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WHY IT MATTERS

For more than 15,000 years, Tribal Nations in the Chesapeake watershed have maintained relationships with the same lands and waters Virginia seeks to protect today.¹ Through cultural burning, restoration, seed keeping, aquaculture, and other practices, Indigenous Peoples increased species diversity, enhanced fisheries biomass, improved water quality, and built ecological resilience.² The ecological richness of the Chesapeake region reflects centuries of Indigenous stewardship.³ Today, **Indigenous Guardians programs**, led by Tribal Nations, have returned \$3 in conservation benefits for every \$1 invested, with additional benefits including workforce development, dam removal, invasive species detection, and improved community health.⁴

Virginia is home to eleven state-recognized Tribal Nations, seven of which hold **federal recognition**. Federally recognized Tribal Nations maintain a government-to-government relationship with the United States rooted in the **Federal Trust Responsibility**.⁵ This relationship carries obligations distinct from those extended to other stakeholders and establishes a foundation of Tribal engagement that state agencies can build upon.

Since 1930, Virginia has seen more than 14 inches of sea level rise, the highest rate on the Atlantic Coast, accelerating the sinking of communities like Hampton Roads and threatening Tribal homelands, including the Pamunkey Reservation, one of the oldest Tribal reservations in the United States.^{6,7} Coastal erosion, saltwater intrusion, and increased flooding threaten communities that have lived in relationship with these waters for generations.

Projections warn of increased warming, precipitation, and tidal flooding statewide.⁸ Because Tribal Nations are on the front lines of these threats, they have led climate resiliency planning with state and federal agencies and nonprofit partners.⁹ The Commonwealth has a vested interest in formally engaging **Indigenous Knowledge** and directly funding Tribal work.

CURRENT LANDSCAPE

Virginia has made progress toward formalizing its relationship with Tribal Nations on environmental matters. In 2024, Va. Code § 2.2-401.01 took effect, establishing a **Tribal Consultation Ombudsman** and requiring the **Virginia Departments of Environmental Quality (DEQ), Conservation and Recreation (DCR), Historic Resources (DHR), and Virginia Marine Resources Commission (VMRC)** to build formal consultation processes with federally recognized Tribal Nations.¹⁰

Tribal Nations have authored climate resiliency plans that engage federal agencies and conservation organizations. For example, the Upper Mattaponi Indian Tribe has **rematriated** 853 acres of shoreline along the Mattaponi River in coordination with the National Oceanic and Atmospheric Administration and DEQ to restore that land and water.¹¹ Tribal stewardship efforts are not integrated into the Commonwealth's conservation data, representing a gap in how Virginia measures progress toward its goals.

The 2025 revision of the **Chesapeake Bay Watershed Agreement** formally recognizes the importance of Indigenous Knowledge and the need for meaningful Tribal engagement.¹² This recognition has not yet been reflected in the **Chesapeake Bay Program's** implementation or governance structure.¹³ In December 2025, the Chesapeake Bay Program Partnership Executive Council unanimously approved a change directing development of recommendations on how Tribal Nations should be included as governmental participants in Bay restoration, including exploration of signatory status for the Indigenous Conservation Council (ICC).¹⁴ Virginia's support for Tribal Nations' leadership in this process is essential to progress on restoration goals.

Virginia's conservation programs should prioritize funding and outreach to Tribal Nations, removing barriers such as match requirements, to support and fund tribally-led initiatives through state funding.¹⁵ Providing direct funding to Tribal Nations for restoration and resilience initiatives reflects Tribal Nations' governmental status while advancing the Commonwealth's environmental goals.¹⁶

OPPORTUNITIES

Virginia's consultation law established an important foundation for state-Tribal relations, but significant decisions affecting Tribal interests continue to fall outside its current scope.¹⁷ Expanding that framework to ensure meaningful engagement whenever state actions may affect Tribal lands, waters, cultural resources, citizens, or governmental interests would better reflect Tribal Nations' status as sovereign governments.

Beyond minimum consultation requirements, the Commonwealth can encourage counties, project developers, and other stakeholders to engage Tribal Nations.¹⁸ Meaningful engagement means sharing project information at the earliest planning stages, allowing sufficient time to review and respond, incorporating input into project design, maintaining open communication through implementation and monitoring, and providing adequate funding to support

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Tribal Nations' capacity, including designating Tribal liaison staff.¹⁹ Early coordination can improve project planning, reduce conflicts and delays, and shed light on potential impacts before they become more difficult or costly.

Virginia's existing environmental funding programs present an opportunity to support Tribal-led stewardship and co-stewardship. States including Washington, California, and those in the Great Lakes have established Tribal-specific allocations that enable Tribal Nations to implement environmental priorities that benefit all residents.²⁰ Direct Tribal allocations, rather than competitive grants, reflect the governmental status of Tribal Nations, producing stronger

conservation investments and building the agency capacity needed to advance the Commonwealth's conservation and climate resilience goals.

Virginia can play an important role in demonstrating what **government-to-government relations** look like, including how state funding programs are directed to support Tribal Nations as governmental partners in climate resilience. As Virginia marks America's 250th anniversary, formal agreements between the Commonwealth's executive leadership and Tribal Nations can signal that Virginia is serious about honoring Tribal **sovereignty**, not just acknowledging it.

TOP TAKEAWAYS

- Indigenous Knowledge is a distinct system of understanding that produces impactful conservation outcomes when formally incorporated.
- Direct Tribal allocations reflect the governmental status of Tribal Nations. Virginia can create new funding pathways to reinforce Tribal sovereignty.
- Tribal Nations are strategic partners. The Commonwealth can build on existing law to expand consultation, designate liaison staff, and fund Tribal-led stewardship to formalize Tribal Nations' role as sovereign governmental leaders in decisions shaping Virginia's environmental future.

Forms of State/Tribal Government-to-Government Relationships

Collaboration	States or state agencies and Tribes engage on specific projects that do not involve jurisdictional issues. State decisions are made independent of Tribes and informed by general feedback	Michigan HB 4349 (Enacted, 1995) authorizes Parks and Recreation to directly collaborate with Tribes.
Consultation	States or state agencies engage Tribes in a dialogue on state proposals before the state or state agency makes decisions. State decisions are made independent of Tribes and informed by specific Tribal feedback.	Virginia H.B.1157 (Enacted, 2024) creates clear guidelines and rules for consultation with Tribal Nations on environmental, cultural, and marine issues.
Consent	States or state agencies engage Tribes in a dialogue on state proposals to seek the free, prior, and informed consent (FPIC) of Tribes. Decisions are made with permission of Tribes and informed by Tribal feedback.	Washington SB 5373 (Introduced, 2022) would direct state agencies to seek free, prior, and informed consent for projects directly impacting Tribal land.
Consensus	States or state agencies and Tribes engage in ongoing dialogues to find mutually acceptable and beneficial solutions on matters that affect all governments involved. Decisions fully address both sets of concerns and are informed by strong, mutual knowledge.	Maine L.D.2115 (Introduced, 2020) would create an assembly of state and Tribal representatives to develop and maintain government-to-government relationships.

| Graph by National Caucus of Environmental Legislators & Native Americans in Philanthropy's *State/Tribal Environmental Policy Toolkit*