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# Tribal Compensatory Mitigation

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# Roadmap

- ▶ Introduction
- ▶ What is Compensatory Mitigation
- ▶ Overview of recommendations in paper
- ▶ Questions



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Our mission is to build  
policies that deliver  
spectacular improvement  
in the speed of  
environmental progress.

# PROMOTING TRIBAL ROLES IN PROVIDING COMPENSATORY MITIGATION OFFSETS

Environmental Policy Innovation Center

SEPTEMBER 2022



## Recommendations: Compensatory Mitigation

- ▶ More action on commitments made to tribal people and nations
- ▶ Fundamentals of working with tribes (navigating v. educating)
- ▶ Restoration or Mitigation Industry
  - ▶ Clean Water Act
  - ▶ Fish and Wildlife Service
- ▶ The inclusion of tribal treaty or cultural resources
- ▶ More tribal co-management of mitigation sites



# Compensatory Mitigation

- ▶ What is it
  - ▶ Regulatory program to offset unavoidable adverse impacts to natural resources.
- ▶ Mitigation Industry/Ecosystem Markets
  - ▶ Clean Water Act
  - ▶ Fish and Wildlife Service
  - ▶ Bureau of Land Management
  - ▶ Forest Carbon market
- ▶ Steps to mitigation
  - ▶ Avoid, minimize, and then compensate
- ▶ What does mitigation mean
  - ▶ Restoration, creation, enhancement or preservation
- ▶ How is mitigation achieved
  - ▶ Mitigation Bank
  - ▶ In-Lieu Fee
  - ▶ Permittee Responsible

# Immediate Recommendations

- ▶ DOI statement directing agencies to create policy, staffing and conditions that support tribal participation in Compensatory Mitigation
- ▶ Clarify site protection Mechanisms for tribes - under compensatory mitigation policy
- ▶ Create regulatory space for tribal establishment of compensatory mitigation banks under CWA



# Immediate Recommendations

- ▶ Expand on existing mitigation policies for tribes in U.S. Fish and Wildlife Service and Endangered Species Act.
- ▶ More tribal co-management of compensatory mitigation projects on public lands.





# Long-term Recommendations

- ▶ Greater coordination with tribes during a development projects scoping phase when there is potential impact to tribal natural/treaty resources.
- ▶ Define what treaty resources cannot be mitigated.
- ▶ Ensure tribal cultural resources can be protected under NEPA.
- ▶ Creating funding and technical assistance for tribal compensatory mitigation on tribal lands.





# Opportunity

New kind of tribal sovereignty

Strengthens and supports relationships

Strengthens and supports traditional ecological restoration techniques

Can remedy the conflict between the need for development and wanting to conserve and restore natural resources for future generations

Tribes can participate in a variety of ways



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**Pilamiye (Thank you)**

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