


# RESOURCE GUIDE CONSENT-BASED TRIBAL RESOLUTIONS

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Prepared by:

**information**  
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For:




**Alaska**  
CONSERVATION  
FOUNDATION

*On behalf of:*

**AKMIN**


Alaska Mining  
Impacts Network



Alaska Conservation Foundation (ACF), on behalf of the Alaska Mining Impacts Network (AKMIN), commissioned Information Insights to create this resource guide and sample resolutions to provide Alaska Tribal Governments with information and resources on Indigenous-led and community-driven consent protocols for addressing hardrock mining projects and related infrastructure.

This effort was inspired by one of the seven recommendations from the [\*Consent Analysis Report: AKMIN's Collective Vision on Consent in Hardrock Mining\*](#), “Develop Indigenous-led and Community-driven Consent Protocols.” Through surveys, focus groups, and interviews with AKMIN participants, the research examined the critical components of effective community consent, emphasizing Free, Prior, and Informed Consent (FPIC) as both a dynamic relationship and expression of Indigenous sovereignty. The report presented AKMIN’s collective vision for meaningful consent in hardrock mining projects.

AKMIN envisions an Alaska where stewardship of the land is prioritized and where local communities have the power to ensure that mining and associated development happens only with their free, prior, and informed consent, under rigorous protective policies and practices, enabling a future where the land, air, and water will continue to provide traditional and cultural livelihoods for present and future generations.



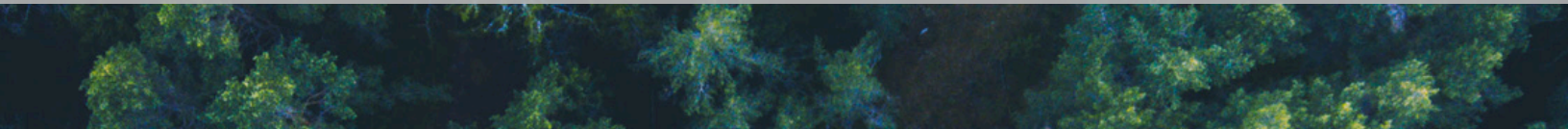
**This resource guide includes information on four pathways of engagement available to Tribes facing potential hardrock mining development:**

Good Consent Practices

Alaska & Federal Consultation Processes

Federal Cooperating Agency Process

Tribal/Community Benefit Agreement Best Practices



Each section focuses on describing the process, why it matters to Tribes, what Tribes can do, next steps, and resources for those seeking additional information.

When preparing for a potential hardrock mining project, it's important that engagement processes such as consent, consultation, acting as a cooperating agency, or developing Tribal/Community Benefit Agreements are considered, as well as resolutions.

Though these approaches overlap, each plays a role in exerting Tribal sovereignty and rights. However, the processes and impacts differ, and understanding when and how to apply each is important. For example, consent is a higher standard than consultation. Consent is the Tribe's right to decide whether, when, and under what conditions development may occur (i.e., the right to say "yes", "no", or "maybe if"). Consultation is a government-to-government process for sharing information and receiving Tribal input.

The guide is intentionally succinct, while recognizing the breadth of information and complexities inherent in decision-making needs and processes of individual Tribes preparing for and navigating potential hard rock mining and associated regulatory frameworks.

**The final pages of this guide include sample Tribal Resolutions**, offered as a guide and starting point for Tribes to format for their own use.

# GOOD CONSENT PRACTICES

## What This Is

This section outlines practical consent practices Tribes can use to prepare for and engage in discussions about proposed development projects that may affect Tribal lands, waters, and ways of life. It reflects Alaska Tribal perspectives on Free, Prior, and Informed Consent and is intended to support readiness, clarity, and Tribal decision-making authority.

## Why This Matters for Tribes

- **Consent is sovereignty.** It is the Tribe's right to decide whether, when, and under what conditions development may occur.
- **Early preparation matters.** Tribes are often approached after key project decisions are already underway. Being prepared helps prevent rushed or pressured decisions.
- **Consent is ongoing.** Consent is not a one-time approval. It continues throughout a project and may change if impacts, information, or conditions change.
- **Future generations are part of the decision.** Consent decisions carry cultural, environmental, and intergenerational responsibility.

## What Tribes Can Do

There is no single right approach. The actions below are examples that Tribes may adapt based on capacity, governance structure, and readiness.

### Strengthen Internal Clarity and Cohesion

- Identify shared community priorities, such as protection of culturally significant sites, subsistence areas, water quality, or traditional knowledge.
- Make space for differing views and establish ways to address internal disagreement *before* external engagement begins.

### Decide How the Tribe Wants to be Approached

- Clarify who should receive initial contact from developers or agencies. Who is the first or single point of contact.
- Decide what information is required before any meetings occur (for example, project scope, timeline, ownership, or potential impacts).
- Establish expectations around respectful communication and transparency.
- Assert and uphold data sovereignty—the right of the Tribe to control knowledge of and information about their lands, people, and resources.

### Define Consent Processes Early

- Consider documenting how the Tribe makes consent decisions, including who participates and how decisions are reached.
  - Some Tribes choose to formalize this through Tribal resolution or consent protocols. Others may use internal policies or practices.

## Seek Information and Support

- Request clear, accessible information about proposed projects in formats the community understands.
- Seek legal, technical, environmental, or cultural expertise as needed to understand risks and impacts.
- Consider asking project proponents to support the cost of independent review/research.

## Document Engagement and Decisions

- Keep records of meetings, materials shared, questions asked, and decisions made.
  - Documentation helps protect Tribal interests and provides continuity over time, especially when leadership or staff change.

## What Comes Next

- **Tribes that choose to move forward** may use consent protocols, resolutions, or agreements to document expectations and decisions.
- **If consent is granted**, agreements should include clear terms, monitoring, and enforcement provisions.
- **If consent is withheld**, Tribes may seek legal or advocacy support to assert their decision.

## Resources

- ▶ **BC First Nations Energy and Mining Council. 2022.** [Indigenous Sovereignty: Consent for Mining on Indigenous Lands, Final Report.](#)
- ▶ **Buxton, A. and Wilson, E. 2013.** [FPIC and the extractive industries: A guide to applying the spirit of free, prior and informed consent in industrial projects.](#) **International Institute for Environment and Development, London.**
- ▶ **Cultural Survival and First People's Worldwide. 2023.** [Securing Indigenous Peoples' Right to Self-determination: A Guide on Free, Prior and Informed Consent.](#)
- ▶ **Project Mosaic, 2025.** [Consent Analysis Report: AKMIN's Collective Vision on Consent in Hardrock Mining,](#) prepared for the Alaska Mining Impacts Network.
- ▶ [U.S. Indigenous Data Sovereignty Network website](#)

# ALASKA / FEDERAL CONSULTATION PROCESSES

## What This Is

This section explains how Alaska Tribes may be engaged through state and federal consultation processes when government actions or decisions could affect Tribal lands, resources, or interests. Consultation is a government-to-government process focused on information sharing and input. It is separate from, and does not replace, a Tribe's own consent or decision-making authority.

## Why This Matters for Tribes

- **Consultation and consent are not the same thing.** Consultation is a process for sharing information and receiving Tribal input. Consent is how a Tribe makes its own decisions about a proposed project.
- **Federal consultation is generally required for all federal actions.** Federal agencies are required to consult with federally recognized Tribes when federal actions may affect Tribal interests. While some federal agencies allow for Tribes and other Indigenous entities to request consultation, this practice is not uniform across the federal government.
- **State consultation in Alaska is more variable.** In Alaska, Tribal consultation is not codified into law. State agency engagement may depend on agency policy, the type of project, or negotiated agreements rather than a consistent statewide requirement.
- **Consultation does not guarantee outcomes.** Even when consultation occurs, agencies may still move forward with decisions that do not align with Tribal positions.
- **Understanding the distinction matters to Tribes.** Ex. A Tribe clearly states its position on a project during consultation, but agencies outside the Tribe may still control permits or approvals. Knowing this will help Tribes plan how to document decisions and when to use additional tools, like resolutions, consent protocols, and/or agreements to protect their interests.
- **Being prepared matters.** Consultation often takes place after projects are underway. Tribes that understand the process and set expectations early are better prepared for informed engagement and avoid rushed decisions.



## What Tribes Can Do

Each Tribe is different. The following are examples of steps a Tribe may take, depending on capacity and needs.

### What is the consultation about?

- Determine which agency is involved, who are the decision makers and key contacts within the agency, what decision(s) is being made, what is under review.

### How will the Tribe respond?

- Who will speak for or represent the Tribe? How will decisions be made? How will information be shared with members?

### Understand Tribal priorities.

- Share what matters most to the Tribe, including community, cultural, spiritual, environmental, and other concerns. Clarify ownership and control over that data.

### Ask for time and information.

- Request clear and brief explanations of the projects and its impacts. Ask for more time if information is incomplete or decisions feel rushed.

### Keep records.

- Have a clear process for taking and saving meeting notes, materials and emails during consultation. This will help the Tribe track decisions, agreements, and timing.

## What Comes Next

- **Determine how the Tribe's position will be documented.** Some Tribes use resolutions, written statements, and consent protocols to record their positions, decisions and expectations.
- **Determine if agreements are needed.** If a project moves forward, Tribes may choose to negotiate agreements to set conditions, responsibilities, monitoring or benefits. Examples might be local hire, training, third-party monitoring, community investments, cultural advisory groups.
- **Stay engaged.** Some projects and consultation can continue for a long period of time. Keeping track of updates and actions will help keep the Tribe informed.

## Resources

- ▶ **Carter, N.T., et al. 2024.** [Federal-Tribal Consultation: Background and Issues for Congress.](#) Congressional Research Service, R48093.
- ▶ **Environmental Law Institute. 2025.** [Alaska Hardrock Mining Policy: Recommendations Based on a Comparison of State Laws and Regulations.](#)
- ▶ **US Department of the Interior.** [Tribal Consultation, Resources for Tribal Nations website.](#)
- ▶ **US Environmental Protection Agency.** [Consultation with Tribes website.](#)

# FEDERAL COOPERATING AGENT PROCESS

## What This Is

Tribes may be invited to take on a formal role in a federal project review, such as an Environmental Impact Statement or Resource Management Plan. This role allows a Tribe to share information and perspectives earlier in the process, but it doesn't give the Tribe decision-making authority over the project.

## Why This Matters for Tribes

- **Tribes are at the table earlier**, allowing them to share information and concerns before key decisions are finalized.
- A Tribe might choose to be a Cooperating Agency because, **as knowledge holders and local experts, they could help determine baseline conditions** and potential effects of the proposed project.
- **The process is different from consultation.** Consultation focuses on input and dialogue, whereas, this process has a defined review period and does not satisfy an agency's consultation obligation.
- **It doesn't replace Tribal consent or decisions.** Tribes still make their own decisions using their own processes to determine their position on a project.
- **It requires staff time and capacity.** Participation typically means attending meetings, reviewing documents and meeting deadlines, which may be challenging depending on available resources.



## What Tribes Can Do

This process is optional for Tribes. Determine what participation involves. Does it align with Tribal priorities and decisions?

### **If the Tribe accepts the invitation to be a Cooperating Agency, work with the lead federal agency to negotiate a Memorandum of Understanding (MOU) which may include:**

- Framework for cooperating and coordinating, roles and responsibilities, schedules and timelines, and staff commitments
- Provisions and procedures for handling confidential and predecisional information, conflicts of interest, and conflict resolutions
- MOU approval authority, amendment procedures, and circumstances under which MOU may be terminated
- Tribes may request financial assistance to support staff time and resources; this is not required of agencies and not all agencies will provide funds.

### **If the lead federal agency does not invite the Tribe to participate as a cooperating agency, the Tribe may formally request cooperating agency status.**

- If the agency denies the request, they must state their rationale in writing.

## What Comes Next

Tribes may choose to participate, rely on consultation alone or use other Tribal tools, like a resolution. This role can be used in conjunction with consultation, resolutions, or agreements.

## Resources

- ▶ **Bureau of Land Management. 2012.** *[A Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners](#)*, Originally sourced from, though no longer available at, BLM's eplanning website.
- ▶ **Department of the Interior. 2026.** *[DOI Handbook of NEPA Procedures](#)*.
- ▶ **Culver, N.W., Landreth, N., and Slivka, J. 2025.** *[Cooperating Agency Roles for Tribes](#)*, prepared by **Nashoba Consulting, LLC** for Alaska Venture Fund.

# TRIBAL / COMMUNITY BENEFIT AGREEMENT BEST PRACTICES

## What This Is

A Community Benefit Agreement (CBA), sometimes also called a Tribal Benefit Agreement (TBA), is a written, legally binding agreement between a community or Tribe and a project developer that outlines expectations, protections, and benefits if a project moves forward. These agreements are negotiated directly and reflect what the Tribe needs or expects in exchange for allowing or supporting a project.

## Why This Matters for Tribes

- **TBAs/CBAs put Tribal expectations in writing.** They help move conversations from promises to clear commitments.
- **They recognize Tribal sovereignty and help to protect Tribal interests over time.** Projects often last many years, and agreements can address ongoing concerns such as environmental protection, jobs, community impacts, or monitoring.
- **TBAs/CBAs help support Tribal decision-making** by expressing conditions, consent, or limits in a practical and enforceable way.
- **There is no one-size-fits-all approach.** Tribes can choose to pursue an agreement and what it includes.

## What Tribes Can Do

As each agreement is different, Tribes can:

**Decide if an agreement is needed.** Would written commitments help protect the Tribe's interests?

**Engage community and Tribal members** in the decision making process.

**Highlight what matters most and what provisions must be included,** such as land and water protections, cultural resource protections, jobs, training, community investments, and/or monitoring and accountability processes.

**Seek support from experts,** including legal, technical, cultural, or financial advisors.

**Take the time needed to negotiate Tribal priorities and capacity.** Do not rush the timeline.

## What Comes Next

TBAs/CBAs can be used along with consultation, Tribal resolutions, or consent protocols. Review and negotiate new terms, if needed, as the project evolves over time.

- **Prioritize transparent, inclusive, accessible, and meaningful engagement within the community** and between the Tribe and developers early, often, and throughout the life of the project.
- **Even after a TBA/CBA is signed, regular and continued accountability and communication** are essential to ensure accountability and that promised benefits are delivered.



## Resources

- ▶ **Blair, James J. A., et al. 2025.** [Community Benefits Agreements: Comprehensive resources on how communities can deploy CBAs to shape their futures.](#) **Climate & Community Institute.**
- ▶ **Finn, Kate R., et al. 2025.** [Tribal Benefits Agreements: Designing for Sovereignty.](#) **Tallgrass Institute and Lepwe.**
- ▶ **World Resources Institute.** [Database of Community Benefits Frameworks Across the US website.](#)

# SAMPLE TRIBAL RESOLUTIONS

The following sample resolutions include language and formatting that Tribes may find useful when building their own Tribal Resolutions. The value and power of resolutions lies in statements of a Tribe's position, policy, and unity, and are most effective when used as a springboard to push for binding documentation such as Memorandums of Understanding (MOUs) and/or Memorandums of Agreement (MOAs).

**Resolutions should be approached as a proactive foundation that can lead to potential legally binding outcomes for Tribes and communities, they are not legally binding standalone documents.**

**There are two types of sample resolutions offered:**

Pre-Engagement

Consent-Based

**A Pre-Engagement Resolution** approves the procedure for discussing a project. It is a preliminary agreement or set of protocols that is developed prior to or in the very early stages of a potential project that is proposed in a community. The intention is to set the stage for interaction between a Tribe and an outside entity (e.g. federal agency, private company). They can also support the establishment of a framework for meaningful consultation, allowing for early input before formal proposals are finalized.

**Consent-Based Resolutions** approve or disapprove a project (*again, not legally - this is a statement of endorsement by the Tribe, to be used as a step in legally binding documentation such as Community Agreements*). When a project has been officially proposed in a community, and/or an entity has approached a Tribe, the Consent-Based resolution may come into play. This is a formal, written resolution adopted by a Tribal Council or governing body that explicitly states approval or disapproval for a project or activity.

## SAMPLE : Pre-Engagement Resolution

[ Tribe Name/Tribal Council Name (Logo) ]  
[ Mailing Address ]  
[ Phone Number ] [ Fax Number (if applicable) ]  
[ email address (if applicable) ]

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**[ RESOLUTION NUMBER ]**  
**Date of Adoption: [ MM/DD/YYYY ]**

**WHEREAS,** The [ Tribe Name ] is a federally recognized Tribe with inherent authority to govern its lands, resources, and community affairs; and

**WHEREAS,** The [ Tribe Name ] has a responsibility to protect its lands, waters, cultural resources, and the health and well-being of present and future generations; and

**WHEREAS,** The [ Tribe Name ] has the right to determine how and when it is approached regarding proposed projects or activities that may affect Tribal lands, waters, resources, or community interests; and

**WHEREAS,** Uncoordinated or informal approaches can create unnecessary burdens for Tribal leadership, staff, and community members; and

**WHEREAS,** The [ Tribe Name ] has the right to establish clear expectations for how external entities request engagement; and

**NOW THEREFORE BE IT RESOLVED,** All engagement requests must be submitted in writing through the [ Tribe Name ]'s designated point of contact; and

**BE IT FURTHER RESOLVED,** Written requests must clearly describe the proposed activity, purpose, location, timeline, and parties involved; and

**BE IT FURTHER RESOLVED,** Requesting entities must identify all parent companies, partners, investors, funders, and government agencies connected to the proposal; and

**BE IT FURTHER RESOLVED,** Requesting entities must disclose any permits or approvals already requested or received, and any applications planned or underway; and

**BE IT FURTHER RESOLVED,** Sufficient information must be provided for the [ Tribe Name ] to conduct an internal review, including maps, plain-language summaries, and potential impact descriptions; and

**BE IT FURTHER RESOLVED,** The [ Tribe Name ] may require support for staff time, outside review, or consultation costs before engagement; and

**BE IT FURTHER RESOLVED,** The [ Tribe Name ] may require a confidentiality agreement before receiving sensitive project information; and

**BE IT FURTHER RESOLVED,** The [ Tribe Name ] will determine whether and how to proceed with engagement after reviewing submitted information; and

**BE IT FURTHER RESOLVED,** If these requirements are not met, the [ Tribe Name ] may delay its response or choose not to respond; and

**BE IT FINALLY RESOLVED** Nothing in this resolution waives the [ Tribe Name ]'s right to require a full consent process or to deny or condition consent.

### CERTIFICATION

**This resolution was duly adopted by the [ Tribal Council/Governing Body ] of the [ Tribe Name ] at a duly called meeting held on [ Date ], at which a quorum was present.**

#### ATTESTED BY:

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*Name, Title*  
*Tribe/Entity Name*

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*Name, Title*  
*Tribe/Entity Name*

## SAMPLE : Consent-Based Resolution

[ Tribe Name/Tribal Council Name (Logo) ]  
[ Mailing Address ]  
[ Phone Number ] [ Fax Number (if applicable) ]  
[ email address (if applicable) ]

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### [ RESOLUTION NUMBER ]

**Date of Adoption:** [ MM/DD/YYYY ]

**WHEREAS,** The [ Tribe Name ] is a federally recognized Tribe with inherent authority to govern its lands, resources, and community affairs; and

**WHEREAS,** The [ Tribe Name ] has a responsibility to protect its lands, waters, cultural resources, and the health and well-being of present and future generations; and

**WHEREAS,** The [ Tribe Name ] has the right to determine how and when it is approached regarding proposed projects or activities that may affect Tribal lands, waters, resources, or community interests; and

**WHEREAS,** Consent is how the [ Tribe Name ] decides whether, when, and under what conditions a proposed activity should move forward, based on Tribal values and decision-making processes; and

**WHEREAS,** Consultation is a process for information sharing and input and does not replace the [ Tribe Name ]'s own consent or decision-making processes; and

**WHEREAS,** Meaningful engagement must occur on a government-to-government basis and follow Tribal priorities, timelines, and decision-making practices; and

**WHEREAS,** The [ Tribe Name ] may determine that additional information, internal review, or agreements are necessary before a decision is made; and

**BE IT RESOLVED,** The [ Tribe Name ] asserts its authority to make its own decisions regarding proposed activities affecting Tribal lands, waters, resources, and community interests; and

**BE IT FURTHER RESOLVED,** The [ Tribe Name ]'s consent is expected before the Tribe will support, authorize, or enter into agreements related to a proposed activity; and

**BE IT FURTHER RESOLVED,** At this time, the [ Tribe Name ] is not providing consent while it completes its internal review and decision-making process; and

**BE IT FURTHER RESOLVED,** Based on information currently available, the [ Tribe Name ] does not consent to the proposed activity as presented; and

**BE IT FURTHER RESOLVED,** If the [ Tribe Name ] chooses to provide conditional consent, such consent will be documented in writing and tied to specific terms, conditions, or agreements approved by the Tribe; and

**BE IT FURTHER RESOLVED,** The [ Tribe Name ] may revise, pause, or withdraw its position if conditions are not met, impacts change, or new information becomes available; and

**BE IT FURTHER RESOLVED,** This resolution serves as formal notice of the [ Tribe Name ]'s position and expectations and may be shared with agencies, companies, funders, and partners; and

**BE IT FINALLY RESOLVED** Nothing in this resolution waives the [ Tribe Name ]'s right to require a full consent process or to deny or condition consent.

### **CERTIFICATION**

**This resolution was duly adopted by the [ Tribal Council/Governing Body ] of the [ Tribe Name ] at a duly called meeting held on [ Date ], at which a quorum was present.**

**ATTESTED BY:**

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*Name, Title*  
*Tribe/Entity Name*

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*Name, Title*  
*Tribe/Entity Name*