

Presented By:

information
insights

**Tribal Public
Lands Alliance**

For:




On behalf of:

AKMIN

Alaska Mining
Impacts Network

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WEBINAR: CONSENT-BASED TRIBAL RESOLUTIONS

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WHAT'S BEING COVERED TODAY

Introduction to Alaska Conservation Foundation and Alaska Mining Impacts Network

Webinar Overview & Purpose

Consent & Consultation

What are they?

What is the difference?

Consultation in Alaska

Indigenous-Led & Community Consent Protocols

Why do communities use them?

How to use them when interfacing with hardrock mining companies

How to use them as a legal asset

Overview of Resource Guide & Sample Tribal Resolutions

Q & A

Alaska Conservation Foundation

Founded in 1980, the Alaska Conservation Foundation (ACF) is the only public foundation solely dedicated to conservation in Alaska.

ACF serves as funder and supportive resource for a diverse community of nonprofits working to protect and wisely manage Alaska's natural resources. Over the last four decades, ACF has awarded more than \$60 million in grants to hundreds of Alaskan organizations and individuals.

ACF's mission is to protect Alaska's unique landscapes and ways of life by supporting conservation leaders, organizations, and initiatives.



Alaska Mining Impacts Network (AKMIN)

- **Purpose:** Alaska Mining Impacts Network establishes a convening space for conservation, Tribal, and community leaders to create and share resources, build relationships, foster collaboration and strengthen advocacy efforts focused on the impacts of hardrock mining in Alaska.
- **Goals:**
 - Build power through information, support, and collaboration
 - Champion standards and innovation
 - Prioritize consent and the right to say no
 - Unify our voice and narrative
- **Alaska Conservation Foundation's Role:** ACF staff act as the AKMIN Coordinator providing facilitated meeting space, trainings, funding support, and resources.
- **By The Numbers:**
 - 170+ participants representing over 60 entities
 - Six AKMIN Council members
 - Monthly Zoom meetings and two in-person meetings each year
 - \$260,900 provided via the Alaska Mining Impacts and Prevention Fund since July 2023

WEBINAR PURPOSE

- **AKMIN Vision:** The Alaska Mining Impacts Network (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.
- **Consent Analysis Report:** *AKMIN's Collective Vision on Consent in Hardrock Mining (July 2025).*
 - “Develop Indigenous-led and Community-driven Consent Protocols”
- Today’s webinar will explore answers to questions related to Tribal-led consent protocols for hardrock mining projects in Alaska, and will provide an overview of the resource guide and sample Tribal resolutions that each participant will have access to after the webinar.

CONSENT & CONSULTATION

What is Free, Prior, and Informed Consent (FPIC)?

Free: Consent is voluntarily given.

Prior: Project proponents should always seek Tribal consent sufficiently early in the project's timeline.

Informed: Indigenous communities have the right to be fully informed about the project.

Consent: The unequivocal right to freely say “yes,” “no,” or “yes with conditions” to any project.

Consent as part of self-determination

- **Consent is not a checkbox;** *it is a relationship*
 - Mutual respect and shared ownership of the process are fundamental to corporate-community engagement best practice and to ensuring local community empowerment.
- **Consent is dynamic;** *it is not a one-time event*
 - It is required continuously throughout all stages of a mining project, and can be withdrawn at any stage.
 - Agencies and developers must commit to long-term, trust-based relationships that center healing, stewardship, and accountability, not transactional engagement.
- **Consent is an expression of sovereignty;** *self-determination is something that is guaranteed to all of us*

The power of consultation

Executive Order 13175

Sec. 5. Consultation.

(a) Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.

Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order.

Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency's consultation process.

The National Historic Preservation Act

- A law passed by Congress
- Section 106 of the NHPA requires federal agencies to take into account the effects of projects they *undertake* (carry out, authorize, or financially assist) on historic properties. Agencies must consult with any Tribe that "attaches religious and cultural significance" to historic properties potentially affected by the undertaking.
- This is the main law with consultation in it
- Courts can enforce this – and they do --- and then the project stops

Joint Secretarial Order 3403

3(b): The Departments will collaborate with Indian Tribes to ensure that Tribal governments play an integral role in decision making related to the management of Federal lands and waters through consultation, capacity building, and other means consistent with applicable authority.

(c): The Departments will engage affected Indian Tribes in meaningful consultation at the earliest phases of planning and decision-making relating to the management of Federal lands to ensure that Tribes can shape the direction of management. This will include agencies giving due consideration to Tribal recommendations on public lands management.

Consultation vs. Consent

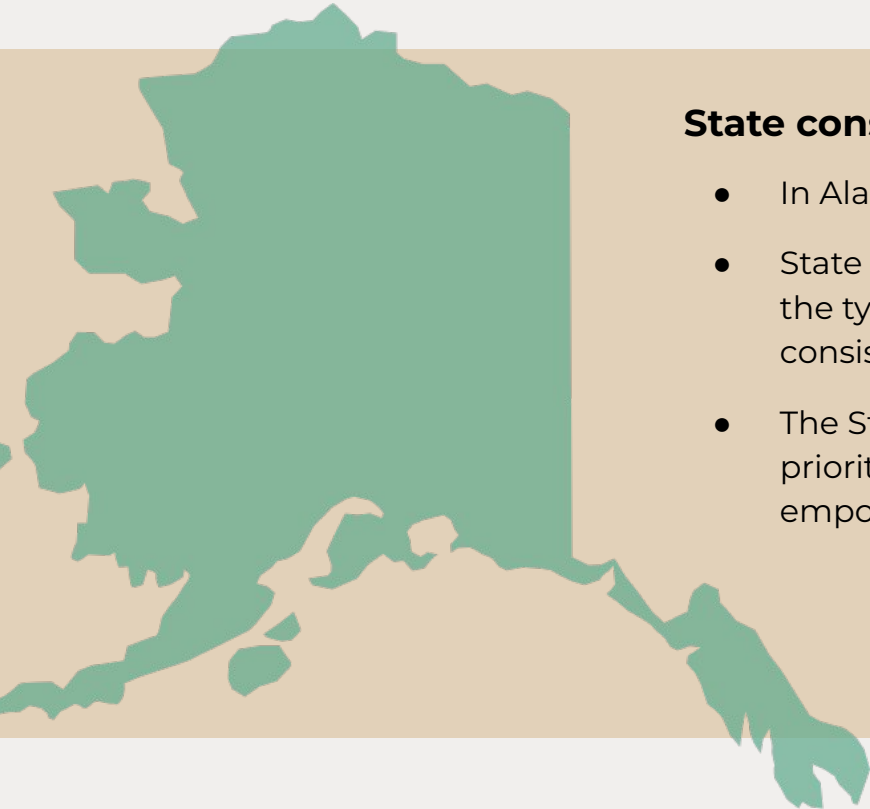
Consultation is a process for sharing information and receiving Tribal input.

- Government-to-government process
- Informing or engaging communities about developments without granting decision-making authority.
- 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.
- Consultation does not guarantee outcomes.

Consent is how a Tribe makes its own decisions about a proposed project.

- The Tribe's right to decide whether, when, and under what conditions development may occur.
- Consent explicitly recognizes Indigenous peoples' sovereign right to support or oppose projects, which provides stronger legal and ethical protections.

Consultation in Alaska



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.
- The State of Alaska's consultation processes typically prioritize informational exchanges over substantive empowerment or enforceable consent mechanisms

INDIGENOUS-LED & COMMUNITY-DRIVEN CONSENT PROTOCOLS

The importance of protocols when addressing hardrock mining projects and related infrastructure

- **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.

Why do communities put protocols in place?

- Practical consent practices can be used by Tribes 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 (FPIC) and is intended to **support readiness, clarity, and Tribal decision-making authority**.
- Tribes that choose to move forward may use consent protocols, resolutions, or agreements to **document expectations and decisions**.

Successful Example:

Bristol Bay Native Association (BBNA) passed a data sovereignty resolution, which was drafted using resources prepared for the Native American Rights Fund (NARF) by Monty Rogers, Cultural Alaska.

How to best use community protocols when interfacing with hardrock mining companies

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**
- **Decide How the Tribe Wants to be Approached**
- **Define Consent Processes Early**
- **Seek Information and Support**
- **Document Engagement and Decisions**

How can community protocols be used as a legal asset?

Tribal Resolutions

- **Resolutions should be approached as a proactive foundation** that can lead to potential legally binding outcomes for Tribes and communities.
- 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).

Community Benefit Agreements

- A Community Benefit Agreement (CBA), sometimes **also called Tribal Benefit Agreements (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.
- TBAs/CBAs help support Tribal decision-making by expressing conditions, consent, or limits in a practical and enforceable way.



**OVERVIEW OF RESOURCE GUIDE &
SAMPLE TRIBAL RESOLUTIONS**



QUESTIONS?

Thank You!