Tribal Benefit Agreements

A Primer on Advancing Meaningful Tribal Partnerships Through Enforceable Agreements and Long-Term Community Benefits

ALLIANCE FOR TRIBAL CLEAN ENERGY

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Foreword

The Nature Conservancy comes to this space with humility, recognizing that Tribes and Indigenous Peoples have long led the way in defining what responsible, rights-respecting development looks like, and that this resource is only one small contribution to a much larger movement for sovereignty-aligned, human rights-based approaches to conservation and clean energy. The hope is that this primer not only supports stronger Tribal Benefit Agreements, but also opens the door to continued partnership, deeper learning and new ways of working together in service of Tribal priorities and long-term community wellbeing.

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This paper is adapted in part from ideas and findings in Tribal Benefit Agreements: Designing for Sovereignty, co-developed by the Tallgrass Institute and Lepwe Inc. We thank the authors, Kate Finn, Maranda Compton, and Melanie Matteliano, for the inspiration and their contribution to this important topic.

Errors are our own.

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Introduction

This guide focuses specifically on **Tribal Benefit Agreements (TBAs)** in the United States as a mechanism for advancing Tribal sovereignty, long-term economic development, workforce opportunities, community investment and meaningful partnerships. Grounded in principles of Tribal self-determination, enforceable agreements and relationship-centered development, this resource highlights how TBAs move beyond transactional relationships toward measurable commitments and durable mutually beneficial partnerships that support Tribal priorities over time. Appendix A provides additional discussion of the distinctions between coordination, consultation, and consent, and how Tribal Benefit Agreements complement formal government-to-government consultation processes.

For generations, colonialism, forced resettlement, exclusion from natural resource decisions and external development pressures undermined Tribal Nations' ability to manage their lands, waters, economies and governance systems. Many Tribal Nations also experienced long histories of inequitable energy contracts and below-market compensation despite hosting major energy infrastructure and resources. Addressing these histories is critical to creating more equitable development frameworks moving forward.

NOTE: Throughout this guide, 'project partners' refers broadly to developers, utilities, investors, engineering and construction firms, and other entities involved in project planning, financing, construction, ownership, or operation.

I. Context and Purpose of This Guide

As sovereign governments, Tribal Nations hold inherent authority over their lands, resources, economies and development pathways. As renewable energy development continues to expand across Tribal lands and adjacent regions, Tribal Nations are increasingly negotiating agreements that deliver meaningful, enforceable and sustained benefits for their communities while protecting their priorities, governance responsibilities and long-term interests. Historically, many projects affecting Tribal communities proceeded without meaningful Tribal partnership or equitable distribution of benefits.[1] In many cases, Tribal Nations hosted major infrastructure projects while receiving limited long-term economic value, workforce opportunities, community investment, or decision-making authority.[2] As a result, TBAs are increasingly evolving beyond narrow mitigation or Consultation frameworks and toward broader partnership models grounded in Tribal sovereignty, long-term collaboration and shared project success.

Increasingly, Tribal Nations are also evaluating projects through long-term, place-based and intergenerational perspectives that consider cumulative impacts to land, water, species, cultural resources, infrastructure, governance and future community wellbeing.[3] Tribal Benefit Agreements provide a mechanism for translating these priorities into objective and enforceable commitments.[4] These agreements can include provisions on economic, cultural, environmental and infrastructure matters, as well as shared decision-making and long-term oversight, which we will highlight in more detail in section II.

A meaningful Tribal partnership is not simply a procedural requirement, but a major benefit to project development itself.

TBAs are also legally and structurally distinct from Community Benefit Agreements. Federally recognized Tribal Nations are sovereign governments, not simply a stakeholder group. TBA negotiations must involve executive leadership from the Tribe and business entity and acknowledge Tribal governance authority, and the unique legal and political status of Tribal Nations. Tribal input and partnership are also distinct from formal Consultation processes. While Consultation may satisfy statutory or procedural requirements under federal

[1] White House Off. of Sci. & Tech. Pol'y & Council on Env't Quality, *Guidance for Federal Departments and Agencies on Indigenous Knowledge* (2022).
[2] Tallgrass Inst. & Lepwe Inc., *Tribal Benefit Agreements: Designing for Sovereignty* 5, 8–10 (2025).
[3] U.S. Dep't of Energy, Office of Indian Energy Policy & Programs, *Tribal Energy Finance and Project Development Guidance* (2024).
[4] PowerSwitch Action, *Community Benefits Agreements Toolkit (2016); Clean Air Task Force, Community Benefits Agreements: Case Studies, Federal Guidelines, and Best Practices* (2023).

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or state law, TBAs provide a mechanism to establish a measurable, enforceable benefit structure. Increasingly, developers and project partners are recognizing that meaningful Tribal partnership is not simply a procedural requirement, but a major benefit to project development itself. This approach recognizes that renewable energy development is not solely a technical or financial exercise, but one that carries cultural, environmental, economic and governance implications across generations.

II. Key Provisions of Agreements

Agreements should be made directly with Tribal Nations. Tribal Nations are sovereign governments with the authority to determine how development occurs within their communities and homelands. Meaningful TBAs require direct engagement with Tribal Nations early in project planning, before key siting, financing and design decisions are finalized.

Why TBAs Are Important

- TBAs can create direct and measurable benefits for Tribal communities.
- TBAs can support long-term Tribal workforce development through education, training, apprenticeships and career pathways.
- TBAs establish economic benefits that reflect Tribal priorities, including direct payments, revenue sharing, community investment and infrastructure improvements.
- Some agreements establish royalties tied to project revenue or production volume, allowing Tribal Nations to participate in long-term project success and create more durable economic benefits over time.
- Increasingly, Tribal Nations are exploring models that move beyond fixed lease payments toward structures that support greater governance participation, long-term wealth generation and intergenerational economic development.
- Strong TBAs support broader Tribal goals. Effective agreements often extend beyond project-specific mitigation and help support broader Tribal priorities related to energy sovereignty, self-determination, governance capacity, infrastructure, economic diversification, youth opportunities and long-term community development.
- Developers increasingly recognize that strong Tribal partnerships can improve project certainty, strengthen relationships, reduce conflict, improve coordination and support long-term project success.
- Strong TBAs move beyond aspirational language and establish measurable obligations, timelines, implementation requirements, accountability structures, monitoring processes and enforcement mechanisms.
- Many Tribal Nations are placing greater emphasis on implementation, compliance, reporting and long-term oversight to ensure that commitments remain active throughout the life of the project.
- Tribal Nations evaluate projects holistically and cumulatively. These evaluations often reflect place-based knowledge systems and intergenerational responsibilities that may not be fully captured through conventional project review processes alone. Tribal Nations often assess projects through intergenerational and place-based perspectives that consider cumulative impacts across landscapes, communities, infrastructure systems and future generations.

III. Legal and Sovereignty Context

TBAs must be understood within the broader legal and sovereignty framework that governs development on Tribal lands. United States federal statutes such as the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), along with treaty-protected rights, establish important procedural requirements for agencies and developers, but they do not replace Tribal authority or the necessity of Tribal consent.[5] Federal consultation requirements under statutes such as NEPA and NHPA establish procedural obligations for agencies and developers, but consultation alone does not guarantee Tribal consent or meaningful project alignment.[6] Federal and state permitting frameworks are primarily procedural and do not independently resolve questions of Tribal consent, project alignment, or long-term benefit. As a result, Tribal Nations increasingly use TBAs to establish enforceable commitments that go beyond procedural engagement.

Strong TBAs recognize Tribal Nations as governmental partners rather than project stakeholders. They also create opportunities to incorporate Tribal knowledge, governance priorities, implementation accountability and long-term stewardship considerations into project planning and decision-making. TBAs also differ from Community Benefit Agreements because they recognize Tribal Nations as sovereign governments with distinct legal, political, cultural and governance authority. This distinction is critical in understanding why TBAs must be negotiated directly with Tribal Nations and aligned with Tribal governance priorities. Distinctions between coordination, consultation and consent are summarized in Appendix A.

IV. Meaningful Partnerships and Direct Tribal Agreements[7]

Meaningful Tribal partnerships require more than outreach or informational meetings in order to be successful. They require developers to engage Tribal Nations early, directly and respectfully as sovereign governments with distinct governance structures, priorities and decision-making processes. Agreements negotiated directly with Tribal Nations help establish clear expectations before project siting, financing, permitting and construction decisions are finalized. Meaningful engagement also requires that Tribal Nations have sufficient opportunity and resources to evaluate projects. Depending on the project, this may include independent legal counsel, technical experts, financial advisors and other capacity support that enables Tribal governments to make informed decisions consistent with their priorities and governance responsibilities. Early engagement also creates opportunities to identify constraints, incorporate Tribal priorities into project design and reduce the likelihood of conflict, redesign, or delay later in development.

Meaningful partnerships are often characterized by:

1. Early and ongoing executive & staff level engagements
2. Transparency regarding project timelines, financing and impacts
3. Respect for Tribal governance processes and timelines
4. Recognition of Tribal knowledge and stewardship responsibilities
5. Long-term relationship building beyond a single project lifecycle
6. Direct negotiation with Tribal governments
7. Cross-jurisdictional coordination where projects affect Tribal interests outside reservation boundaries

Developers that approach Tribal partnership as a core project strength rather than a procedural requirement are often better positioned to build durable relationships and reduce project uncertainty.[8] In some cases, meaningful Tribal partnerships have developed over many years and extended across multiple projects. For example, the Vineyard Offshore and Mashpee

[5] National Environmental Policy Act, 42 U.S.C. § 4321 et seq.; National Historic Preservation Act, 54 U.S.C. § 300101 et seq.
[6] Exec. Order No. 13,175, *Consultation and Coordination with Indian Tribal Governments*, 65 Fed. Reg. 67,249 (Nov. 6, 2000).
[7] Sections IV through IX of this guide build upon the ten trends set out in *Tribal Benefit Agreements: Designing for Sovereignty 37* tbl. 'Trends in TBAs Over Time' (2025). Those trends are findings of that report's mixed-methods study, including interviews with experts in agreements between Tribal Nations and companies. Adapted and used with permission.
[8] Clean Air Task Force, *Community Benefits Agreements: Clong-termRevenue-basedase Studies, Federal Guidelines, and Best Practices* 17–19 (2023).

Wampanoag Tribe TBA demonstrates how long-term collaboration, community investment and attention to intergenerational priorities can create more durable relationships and stronger project alignment over time. The agreement established the Mashpee Wampanoag Tribe Offshore Wind Community Fund, which supports scholarships, wastewater infrastructure, language reclamation, workforce training and Tribal capacity to engage in offshore wind development.[9] Beyond the agreement itself, Vineyard Offshore's broader Tribal partnerships have also included financial support for a solar-plus-storage project serving the Aquinnah Wampanoag Tribal Housing Authority and its all-electric housing units, illustrating how sustained Tribal partnerships can advance Tribal clean energy priorities and community-defined investments beyond the immediate project footprint.[10]

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V. Workforce Development and Career Pathways

Workforce development is one of the most important long-term benefits that TBAs provide. Rather than limiting Tribal participation to short-term construction jobs, many Tribal Nations seek agreements that create long-term career pathways and support Tribal workforce capacity across multiple sectors connected to renewable energy development.[11]

Workforce provisions may include Tribal hiring preferences, apprenticeship and mentorship programs, scholarship and tuition assistance opportunities, workforce partnerships with Tribal colleges and universities, technical certifications, long-term operations and maintenance opportunities, small business contracting pathways, youth workforce initiatives and investments that support Tribal governance and energy leadership.[12] These provisions can help ensure that Tribal communities participate not only in project construction but also in long-term project operations, ownership structures and broader energy sector careers.

VI. Direct Payments, Royalties and Community Development Partnerships

TBAs can establish financial structures that provide sustained and meaningful economic benefits to Tribal Nations and communities. Direct payments may include upfront project compensation, annual payments, infrastructure investments, mitigation funding, or dedicated community development funds. These resources can support priorities identified by Tribal Nations, including housing, healthcare, education, transportation, broadband expansion, emergency services, cultural preservation, environmental restoration and long-term community development. Some agreements also establish royalty structures tied to project revenue or production volume. Revenue based models can create long term economic participation that aligns Tribal benefits with project performance over time.[13]

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[9] Mashpee Wampanoag Tribe, *Mashpee Wampanoag Tribe and Vineyard Offshore Forge Historic Tribal Benefit Agreement* (Mar. 21, 2024), https://mashpeewampanoagtribe-nsn.gov/news/2024/3/21/mashpee-wampanoag-tribe-and-vineyard-offshore-forge-historic-tribal-benefit-agreement.

[10] Vineyard Mid-Atlantic LLC, *Progress Report for OCS-A 0544* (May 1, 2025), submitted to the Bureau of Ocean Energy Management pursuant to Lease Addendum C, § 3, at 3–8 (describing implementation of the Mashpee Wampanoag Tribal Benefit Agreement and broader Tribal partnership initiatives, including support for the Aquinnah Wampanoag Tribal Housing Authority solar-plus-storage project).

[11] U.S. Dep't of Energy, Office of Indian Energy Policy & Programs, *Tribal Energy Finance and Project Development Guidance* (2024).

[12] Emerald Cities Collaborative, *Community Workforce Agreements Framework (2022); U.S. Dep't of Commerce, Project Labor Agreement Best Practices Guide* (2023).

[13] *See* Pembina Inst., *Profit-Sharing and Clean Energy Partnership Analysis* (2023); First Nations Major Projects Coalition, *Equity Participation and Revenue-Sharing Frameworks for Indigenous Nations* (2024).

Common economic benefit structures may include:

- Annual lease or land use payments
- Production-based payments tied to energy generation
- Gross revenue sharing agreements
- Community benefit funds supporting Tribal priorities
- Net revenue or profit-sharing structures
- Equity participation opportunities
- Joint venture structures with shared governance
- Royalties tied to energy production volume
- Tribal procurement and contracting requirements
- Direct payments to support Tribal priorities and community initiatives
- Co-ownership and equity models that support long-term wealth building and Tribal governance capacity

These structures vary significantly in their long-term value, governance implications and wealth-building potential. Fixed lease payments often provide predictable but limited long-term benefits, while equity ownership, joint ventures and shared governance structures may create stronger opportunities for long-term revenue generation, decision-making authority and intergenerational economic development.[14]

VII. Supporting Broader Tribal Goals

Tribal Nations often evaluate projects based on how they contribute to broader community priorities and long-term development strategies. As a result, TBAs are frequently designed to support goals that extend beyond the immediate project footprint or construction timeline.

Agreements may incorporate provisions related to:

- Energy sovereignty and Tribal energy independence
- Environmental stewardship and restoration
- Cultural preservation and protection
- Climate resilience and adaptation
- Housing and community facilities
- Education and youth development
- Public health and wellness initiatives
- Tribal enterprise development
- Long term Tribal governance capacity
- Economic diversification
- Intergenerational stewardship responsibilities

This broader approach recognizes that renewable energy projects can influence long-term community trajectories and should align with Tribal visions for future generations. Agreements may also establish financial assurances or other provisions addressing decommissioning, site restoration and long-term stewardship responsibilities. These approaches may include co-ownership structures, equity participation, land rematriation, data sovereignty provisions, shared governance models and investments that strengthen Tribal authority and intergenerational stewardship responsibilities over time.

Renewable energy projects can influence long-term community trajectories and should align with Tribal visions for future generations.

[14] Tallgrass Inst., *Tribal Benefit Agreements: Designing for Sovereignty* 24–33 (2025).

VIII. Objective, Enforceable Agreements and Implementation

Strong TBAs move beyond aspirational language and establish clear, objective and enforceable obligations. In many cases, past agreements failed to produce intended outcomes because commitments lacked specificity, implementation mechanisms, timelines, accountability structures, or long-term oversight.[15]

Effective implementation provisions may include:

- Clearly defined obligations and deliverables
- Measurable performance metrics
- Reporting and transparency requirements
- Compliance monitoring procedures
- Enforcement mechanisms and remedies
- Dispute resolution frameworks
- Defined timelines and benchmarks
- Periodic agreement review and amendment processes[16]
- Long-term implementation committees or oversight bodies

A stronger focus on implementation helps ensure that commitments remain active throughout project construction, operation and decommissioning. Effective implementation provisions also provide a framework for navigating project uncertainty. Financing changes, ownership transfers, construction delays, regulatory changes, leadership transitions and other unforeseen circumstances are common over the life of major infrastructure projects. Well-structured TBAs establish communication, accountability and dispute resolution processes that help Tribal Nations and developers address these challenges while maintaining long-term relationships.

IX. Holistic and Cumulative Project Evaluation

Tribal Nations often evaluate projects through cumulative, place-based and intergenerational perspectives that differ from conventional project-by-project review processes.[17] These perspectives consider long-term relationships to land, water, species, cultural landscapes, community wellbeing and future generations.[18]

Holistic project evaluation may consider:

- Cumulative environmental impacts
- Long-term impacts on cultural landscapes
- Effects on traditional practices and access
- Regional infrastructure burdens
- Community health and wellbeing
- Future development pressures
- Climate resilience and adaptation needs
- Intergenerational stewardship responsibilities
- Long-term economic and governance impacts
- Effects on future Tribal development opportunities

TBAs can help address these concerns through long-term monitoring, adaptive management provisions, cumulative impact evaluation, regional coordination frameworks and long-term environmental and community oversight mechanisms. These perspectives reflect stewardship responsibilities that extend beyond immediate project timelines and emphasize the importance of protecting resources for future generations. TBAs can incorporate cumulative impact considerations through provisions that support regional coordination, long-term monitoring and adaptive management.

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[15] Clean Air Task Force, *Community Benefits Agreements: Case Studies, Federal Guidelines, and Best Practices* 21–23 (2023); *PowerSwitch Action, Common Challenges in Negotiating Community Benefits Agreements and How to Avoid Them* (2016).
[16] PowerSwitch Action, *Community Benefits Agreements Toolkit (2016); Sabin Ctr. for Climate Change Law, Expert Insights on Best Practices for Community Benefits Agreements* (2023).
[17] White House Off. of Sci. & Tech. Pol'y & Council on Env't Quality, *Guidance for Federal Departments and Agencies on Indigenous Knowledge* (2022).
[18] U.S. Dep't of the Interior, *Indigenous Knowledge Guidance Memorandum* (2022).

X. Governance, Stewardship and Energy Sovereignty

TBAs support both near-term project alignment and long-term governance and stewardship priorities. When structured effectively, they should enable Tribal Nations to shape how projects are designed, implemented and monitored over time. Energy sovereignty reflects the ability of Tribal Nations to determine how energy resources are developed, how benefits are distributed and how projects align with broader community priorities. This is particularly important in the context of energy development, where Tribal Nations have historically received limited long-term value from projects despite hosting significant energy resources.[19]

TBAs can support a range of approaches along this spectrum, from financial compensation and revenue sharing to joint ventures and equity participation.[20] These structures can significantly influence how value is distributed over time and the extent to which Tribal Nations retain control over project outcomes. Some agreements also establish dedicated community investment mechanisms that support long-term Tribal priorities and governance capacity.

Across these approaches, TBAs translate Tribal priorities into enforceable commitments spanning governance, economic participation, cultural and environmental protections, data sovereignty and community investment. TBAs can take a range of forms, each with different implications for long-term governance, value creation and Tribal control over project outcomes. Approaches to TBAs vary across Tribal Nations and projects and should be tailored to reflect specific governance structures, priorities and community contexts. A summary of common provision categories and illustrative examples is provided in Appendix B. No single TBA model is appropriate for every Tribal Nation. Effective agreements are developed collaboratively and reflect each Nation's unique governance structure, priorities, laws, and community-defined goals.

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XI. The Role of Developers

Developers play an important role in shaping whether projects advance through extractive models or meaningful partnership approaches. Developers that prioritize early Tribal engagement, transparency, enforceable commitments and long-term collaboration are often better positioned to build durable partnerships and reduce project uncertainty.[21] Increasingly, companies recognize that strong Tribal partnerships can improve project outcomes, strengthen community relationships, support permitting processes and create long-term project stability.[22] Meaningful engagement also requires developers to understand Tribal governance structures, timelines and decision-making processes before initiating or advancing project discussion. Tribal Nations are not interchangeable. Governance structures, staffing capacity, decision-making timelines, infrastructure and development priorities differ significantly among Tribal Nations. Developers should approach each relationship on its own terms rather than relying on assumptions based on previous projects or experience with other Tribes.

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[19] Tallgrass Inst., *Tribal Benefit Agreements: Designing for Sovereignty* 11-12 (2025).
[20] First Nations Major Projects Coalition, *Equity Participation and Revenue-Sharing Frameworks for Indigenous Nations* (2024); Indigenous Clean Energy, *Indigenous-Led Clean Energy Partnerships and Joint Ventures* (2024).
[21] Clean Air Task Force, *Community Benefits Agreements: Case Studies, Federal Guidelines, and Best Practices* 17–19 (2023).
[22] Microsoft, *Community Engagement and Benefits in Renewable Energy Procurement* (2024).

Best practices for prospective partners of Tribal Nations include:

- Do your homework. Research and understand the community, the Nation's governance structure and the history of your industry in the community.
- Engage Tribal governments early in project planning.
- Work directly with Tribal governments while recognizing and supporting formal government-to-government consultation processes where applicable.
- Understand and respect Tribal governance structures, protocols and decision-making processes.
- Provide transparent project information, including anticipated timelines, financing and project impacts.
- Support workforce development and long-term career pathways.
- Support direct community investment and broader Tribal priorities.
- Respect Tribal sovereignty and governance authority.
- Establish clear implementation, monitoring and accountability mechanisms.
- Build long-term relationships that extend beyond a single project lifecycle.

These practices help Tribal Nations evaluate prospective project partners and establish the foundation for durable relationships that benefit both Tribal Nations and project developers.

XII. Conclusion

Tribal Nations hold inherent authority over their lands, resources, and futures. Tribal Benefit Agreements are the mechanism for making that authority enforceable, translating Tribal priorities into binding commitments on workforce, economic participation, direct payments, royalties, community investment, governance, and long-term implementation. The standard this guide describes is not aspirational. It reflects what meaningful partnership with a sovereign government requires. Developers and project partners who meet that standard will find Tribal Nations ready to build durable, long-term relationships. Renewable energy development on and near Tribal lands will either advance Tribal sovereignty and self-determination or not. Tribal Benefit Agreements are how Tribal Nations ensure it does.

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XIII. References and Additional Resources

Federal and Technical Resources

- U.S. Department of Energy Office of Indian Energy Policy and Programs. *Tribal Energy Finance and Project Development Guidance*. https://www.energy.gov/indianenergy/office-indian-energy-policy-and-programs

Tribal Benefits Agreements, Revenue Sharing and Ownership Models

- Tallgrass Institute. *Tribal Benefits Agreements: Designing for Sovereignty, Renewable Energy, Indigenous Peoples, and Project Siting for Values Aligned Investors* https://tallgrassinstitute.org
- First Nations Major Projects Coalition. *Equity Participation and Revenue-Sharing Frameworks for Indigenous Nations*. https://fnmpc.ca
- Indigenous Clean Energy Network. *Case Studies on Indigenous-Led Clean Energy Partnerships and Joint Ventures*. https://www.indigenouscleanenergy.com
- Pembina Institute. *Profit-Sharing and Clean Energy Partnership Analysis*. https://www.pembina.org
- Indigenous Peoples and the Just Transition. *Exploring Shared Prosperity: Indigenous Leadership and Partnerships for a Just Transition*. https://www.business-humanrights.org/en/from-us/briefings/exploring-shared-prosperity-indigenous-leadership-and-partnerships-for-a-just-transition/

Legal and Sovereignty Foundations

- Native American Rights Fund (NARF). *Resources on Tribal Sovereignty, Treaty Rights and Agreements*. https://narf.org

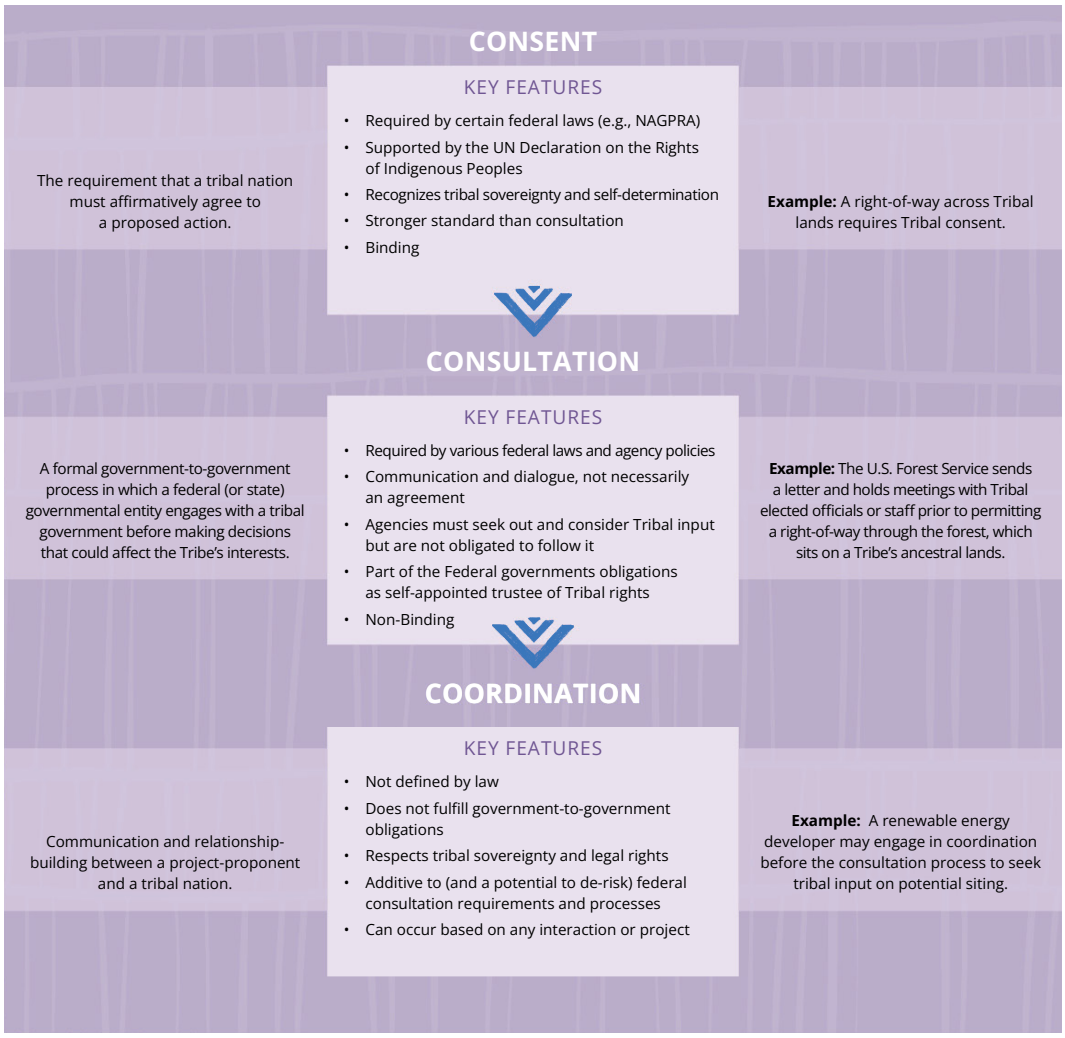
Illustrative Case Example

- Vineyard Offshore. *Tribal Benefits Agreement with the Mashpee Wampanoag Tribe (offshore wind development partnership)*. https://www.vineyardoffshore.com/article/mashpee-wampanoag-tribe-and-vineyard-offshore-forge-historic-tribal-benefit-agreement/

Appendix A - Consent vs. Consultation vs. Coordination

This appendix illustrates the distinctions between coordination, consultation and consent in the context of Tribal engagement. Although these concepts are related, they serve different purposes within project development and Government-to-Government relationships. Understanding these distinctions helps clarify why Tribal Benefit Agreements complement, but do not replace, formal consultation processes. This framework highlights that coordination can occur early in project planning, while consultation and consent occur within more formal processes.[23] This distinction clarifies how TBA coordination can run in parallel to address issues not addressed in Consultation. Early coordination can shape project outcomes before formal Consultation processes are triggered.

CONSENT VS. CONSULTATION VS. COORDINATION



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[23] Tallgrass Institute, *Tribal Benefit Agreements: Designing for Sovereignty* (2025), at 19.

Appendix B - Common TBA Provision Categories and Illustrative Examples

Category	Purpose	Example Provision
Governance and Decision-Making	Reflects Tribal authority and establishes structures for ongoing oversight	Co-management structures; Tribal committees; dispute resolution; reporting requirements
Economic Participation and Workforce	Supports Tribal access to project benefits and participation in development	Revenue sharing, equity options, hiring targets, Tribal contracting preferences
Cultural, Environmental, and Place-Based Protections	Ensures project design reflects Tribal knowledge and protects cultural and natural resources	Cultural resource protections; Tribal monitors; environmental mitigation and monitoring
Data Sovereignty and Information Governance	Protects Tribal control over data and knowledge systems	Data ownership; consent-based data sharing; restrictions on use of sensitive information
Tribal Capacity and Community Priorities	Supports Tribal engagement in project review and advances community-identified priorities	Funding for participation, technical and legal review, community infrastructure, and programs
Implementation and Long-Term Stewardship	Supports accountability throughout the project lifecycle	Monitoring, reporting, oversight committees, adaptive management, dispute resolution, decommissioning planning, and financial assurances

Appendix C. Early Engagement Considerations

Before initiating or advancing a project, developers and project partners should take time to understand the Tribal context, governance structures and priorities that may shape engagement and decision-making. Early preparation supports more meaningful engagement and more aligned project development.

Key considerations include:

Governance and Decision-Making

- What is the Tribe's governance structure, and how are decisions related to land, resources and development made?

Community Priorities and Long-Term Goals

- What are the Tribe's economic, environmental and cultural priorities, and how might the project align with or impact those priorities?

Cultural and Environmental Context

- Are there cultural resources, sacred sites, or ecological considerations associated with the project area that may not be reflected in spatial data?

Engagement Protocols

- What are the appropriate protocols for initiating contact, engaging with Tribal leadership and staff, and supporting applicable government-to-government consultation processes?

Data Sovereignty and Information Sharing

- How will project-related data be shared, used and protected, and what expectations exist regarding consent and confidentiality?

Project Benefits and Structure

- How might project benefits be structured to support long-term Tribal priorities, including economic participation, workforce development and community investment?

Capacity and Participation

- What legal, technical, financial, or other capacity support may be needed to ensure Tribal Nations can fully evaluate project proposals and participate meaningfully in project planning and negotiations?

Early consideration of these factors can support more informed engagement, reduce uncertainty and contribute to stronger and more durable project outcomes.

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