Alaska Mariculture Permitting Review

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Executive Summary

Noah Meyer is an Alaska State Sea Grant Fellow, placed with the Central Council of the Tlingit & Haida Indian Tribes of Alaska. Prior to his fellowship, Noah completed an MA in Global Environmental Studies at the University of Denver's Josef Korbel School of International Studies. The purpose of the following study is to evaluate the mariculture permitting regulations and applications in the State of Alaska for their inclusion of Traditional Knowledge and tribal consultation, as well as their respect for tribal sovereignty and subsistence prioritization as prescribed by ANILCA. The findings indicate that current policies are insufficient, and that a number of changes by agencies and tribes alike can make considerable differences in the valuable inclusion of Alaska Native communities in the development of Alaska's growing mariculture industry.

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Introduction

Over the past decade, Alaska's mariculture industry has seen significant investment of resources and funding through a variety of means including the formation of state task forces, partnership with federal funders like the Build Back Better Regional Challenge, and much more. [1] These efforts have led to considerable growth for the industry, though notable challenges remain. Among these challenges is the limited inclusion of Alaska tribes and Alaska Native communities throughout the permitting process.

Starting an aquatic farm in the state of Alaska is a complex process involving separate state and federal permitting processes. State permitting can be obtained through a Joint-Agency Aquatic Farming Application and – depending on the specifics of the farm – will involve the review of Alaska's Department of Natural Resources (ADNR), Department of Fish and Game (ADF&G), and Department of Environmental Conservation (ADEC). As established in the Alaska Statute AS 16.40.105, ADF&G aquatic farm operation permits shall be issued based on the following criteria:

- The physical and biological characteristics of the proposed location must be suitable for farming;
- The proposal may not require significant alterations in traditional fisheries or other existing uses of fish and wildlife resources;
- The proposal may not significantly affect fisheries, wildlife, or their habitats in an adverse manner;
- The proposal's plans and staffing plans must demonstrate technical and operational feasibility;
- And the proposed location may not include "more than an insignificant population" of a wild stock on-site of a shellfish species intended to be cultured [2].

Many of these criteria are expanded upon in the ADF&G Aquatic Farming Regulations. [3] A noteworthy exception to this is the criteria regarding traditional fisheries and other existing uses which is simplified to reference an “established use” without expanding upon what may be relevant to the clause. [4]

Within ADNR’s regulations for application review, a series of guidelines are outlined for the department’s preliminary best interest finding. [5] Here, the regulations do expand upon existing uses that must be considered in the application’s evaluation. These existing uses include:

- Impacts on nearby communities or residential land;
- Traditional and current uses of the site such as commercial fishing, sport fishing, subsistence activities, use as an anchorage, navigation, seaplane landing area, recreation, sightseeing, and tourism;
- Historic and cultural resources;
- Commercial or industrial facilities including log transfer facilities, salmon hatchery, or harbor development.

Additionally, these regulations state that ADNR will consider how the interests served by the public trust doctrine (the principle that certain natural and cultural resources be preserved for public use) will be protected, along with any other significant social, economic, and environmental effects of the proposed aquatic farming. [6]

At the federal level, new aquatic farms will require permitting from the U.S. Army Corps of Engineers (USACE). Seaweed farms require one permit, [7] and shellfish farms require another. [8] Both permits include a clause which states that “no activity or its operation may impair reserved tribal rights, including, but not limited to, reserved

water rights and treaty fishing and hunting rights." Also within both permit applications, consultation with tribal entities is mentioned in the context of historical preservation as it relates to historic properties or discovery of remains and artifacts. Though not referenced in the permit application, consultation beyond this context is given its due attention in USACE policies.

While existing state and federal regulations and permitting processes have been somewhat successful in enabling the growth of a mariculture industry in Alaska, there are important questions to address regarding their inclusion of Alaska Native peoples' values and interests. These questions, to be assessed through this report, include:

- What does "tribal consultation" amount to in Alaska's mariculture permitting processes?
- How is tribal sovereignty respected in the permitting process?
- In what ways is Indigenous or Traditional Ecological Knowledge incorporated and/or respected in the permitting process?
- In matters involving trust resources, is the federal government upholding its trustee responsibility and fiduciary obligations to federally recognized Tribes of Alaska?
- What like cases may provide examples of better Indigenous leadership and inclusion in these processes, and how?

Consultation

Alaska's statutes and regulations regarding the permitting process for mariculture endeavors make no explicit mention of tribal consultation in the permitting process. The potential necessity or relevancy of doing so is brought about by the regulations' requirement that permitting ensure that "the proposed farm or hatchery does not significantly alter an established use." [9]

While state statutes forego mention of government-to-government consultation, NOAA's "Alaska Aquaculture Permitting Guide" encourages farmers to engage with tribes when planning a new site. The guide recommends that prospective farmers "request input" from local tribal and Alaska Native corporation leadership, saying that it may be appropriate depending on location. [10] The guide provides no specifics regarding when outreach would be appropriate nor does it give any true mandate for a farmer to do so, citing only that community engagement "will help reduce potential user conflicts," failing to cast the interaction as an essential step in the process. [11]

Within the state permit application process itself, the ADNR/ADEC/ADF&G Alaska Aquatic Farm Program Joint Agency Application does not mention any tribal consultation process. The Joint Application strongly recommends that a farming operation conduct public outreach to neighbors and nearby property owners to inform them of the proposed project - this is not however an explicit requirement for applicants. [12] Though mention of tribal consultation is limited, ADNR is required to notify regional corporations and Village corporations of an application and any comment received is considered in the final decision-making process. [13] Additionally,

subsistence use harvest areas are included as one of numerous "sensitive areas" set forth by state agencies. When a proposal will be in or near a sensitive area, they must contact the relevant agency to "determine how a farm site might be situated to avoid significant impacts." [14] These "significant impacts" are determined by parties within ADF&G that are responsible for reviewing this portion of the application, and they often lack the necessary detail to determine whether or not a significant impact may occur to subsistence or other established use such as cultural or ceremonial. [15] The application prescribes that the prospective farmer engage with ADF&G in instances of overlap with subsistence use areas, not the relevant tribal government or subsistence users. Leaving these determinations solely to agency discretion, without required consultation with tribes, undermines tribal sovereignty and puts subsistence rights at risk.

Additional opportunities for tribal consultation are available through the public comment process. The opportunity to comment becomes available when a public notice is released upon DNR's preliminary decision in reviewing a farm application. DNR's Preliminary Decision is the initial determination on a proposed disposal of interest in state land and is subject to comments received during the Public Notice period. [16] This notice goes out to Alaska Native tribes and village corporations within a 25-mile radius of the farm site, [17] as well as regional corporations when their boundaries encompass the site if outside a municipality's jurisdiction. [18] When a comment is made, the state agencies aim to take a collaborative approach, looking to avoid true conflicts between users when possible. If these conflicts result in the farm location having to shift entirely during the public notice process, it then goes back to the agencies and the public for a second review. [19] Agencies hope that such a back and forth will be

avoided when applicants engage with their community regarding their site prior to applying, and thus strongly encourage them to do so. As it stands, these processes seem to create an ineffective and inefficient method for consultation in aquaculture permitting that could be improved in a myriad of ways to improve outcomes for farmers and communities.

In the federal permitting process administered by the U.S. Army Corps of Engineers, tribal consultation once again receives very little mention in the permits. There are two relevant federal permits for mariculture: Nationwide Permit 48 and 55 for shellfish and seaweed mariculture respectively. While each includes a clause stating that no activity may impair reserved tribal rights, there is no step in the application indicating the prospective farmer must engage with the appropriate communities to avoid doing so. The agency does however have more involved processes for consultation identified in their policies. One such process is independent tribal consultation in which the agency invites tribes that may be interested to provide any pertinent knowledge they may have; these consultations are open-ended, have no timeline, and are always open to participation. [20] USACE policies state that consultation “will be an integral, invaluable process of USACE planning and implementation” for all projects and programs. [21] In any consultation USACE must document how Traditional Ecological Knowledge presented throughout the process was considered and report back to the entities involved in consultation. [22]

An additional circumstance invoking consultation is instances where the activity might “have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic

Places," [23] as well as in instances where permittees discover any previously unknown remains and artifacts while conducting activities already authorized by USACE permits. One type of "historic place" that may be included in the National Register is a "traditional cultural place". These are defined as a "building, structure, object, site, or district that may be listed in the National Register for its significance to a living community because of its association with cultural beliefs, customs, or practices that are rooted in the community's history and that are important in maintaining the community's cultural identity." [24] An example of these places as given by the National Park Service could include an area where land use "reflects the cultural traditions that continue to be practiced and valued by its long-term residents over generations." [25] Perceivably, this could include an area of land, submerged lands, or waters, that a clan or tribe may deem as important for traditional use or subsistence harvest, an essential part of their cultural identity.

When a district engineer finds that the proposed activity has the potential to impact historic properties, consultation will be required as prescribed under Section 106 of the National Historic Preservation Act (NHPA). In such instances, federal agencies are required to consult with any tribe that attaches religious and cultural significance to a historic property that may be affected. [26] For the purposes of this act, consultation is defined as "the process of seeking, discussing, and considering the views of others, and where feasible, seeking agreement with them on how historic properties should be identified, considered, and managed." [27] Pertinent regulations outline several important principles and general directions for agencies regarding consultation with tribes:

- Agencies shall ensure that consultation provides a reasonable opportunity (a 30-day notice period) for tribes to identify their concerns, advise on identification and evaluation of historic properties, articulate their views on the activity's effects on such properties, and participate in the resolution of adverse effects;
- Historic properties of religious and cultural significance to a tribe may be located on ancestral, aboriginal, or ceded lands of that tribe;
- Agencies should be respectful of tribal sovereignty in conducting consultations and must recognize the government-to-government relationship that exists between the federal government and federally recognized tribes;
- A tribe may enter into an agreement with a federal agency regarding any aspect of tribal participation in the review process; such an agreement may specify a tribe's interests or provide them with additional participation in the process. [28]

Across these state and federal agencies, requirements and processes for engaging in government-to-government consultation can be found within their applicable policies. Though present, the process can be a passive one, where the responsibility to initiate consultation falls on the affected tribal entities more than the agencies. Such a system leaves abundant room for improvement to enable expanded tribal participation without placing an undue burden on permitting agencies or applying farmers.

Tribal Sovereignty

Current statutes and regulations fail to meet the minimum standards of government-to-government consultation required under the federal trust responsibility and respect for tribal sovereignty. Still, a general policy of non-interference with traditional or established use is present in each of the documents. Sovereignty pertains to a tribal nation's ability to govern and to protect and enhance the health, safety, and welfare of tribal citizens within tribal territory. [29] Respect for tribal sovereignty is essential for good governance in Alaska, and must be a required component in the permitting processes for the state's mariculture industry.

In these capacities, the sovereignty of tribes is most respected in the USACE mariculture permitting applications. Though a permit must go through each of the aforementioned agencies first, USACE raised the standard for sovereignty by going beyond required protection for a vague "established use" and explicitly referencing tribal rights. In both the seaweed and shellfish applications, one of the general conditions for authorization is that "no activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights." [30] In the organization's permitting definitions they define tribal rights as "those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies." [31] While this does provide that USACE must respect tribal sovereignty in their permitting processes in most circumstances, those aforementioned legal rights were extinguished for Alaska Native peoples under the Alaska Native Claims Settlement Act (ANCSA). Still, in their policies, USACE

commits to supporting tribal self-determination, self-reliance, and capacity building as much as possible. [32] With this aim, tribal sovereignty must be respected for permitting approval through USACE, though the processes for evaluating this are not detailed. Alaska's regulatory agencies (ADF&G, ADEC, or ADNR) do not explicitly mention tribal rights or sovereignty. This is in spite of the state's enactment of HB 123 in 2022, which formally recognizes the "special and unique" relationship that the government has with federally recognized tribes in Alaska and throughout the United States. [33]

Traditional Ecological Knowledge

As with sovereignty, Indigenous or Traditional Ecological Knowledge (TEK) is not explicitly mentioned in either the state statutes and regulations or any of the state and federal permit applications for mariculture in Alaska waters. Though not explicitly referenced, there are a few key factors in the Joint Agency application's proposal evaluation where TEK could contribute to a project's viability; for example, as it pertains to farm siting, the agencies recommend that the applicant talk to existing users about potential challenges and characteristics of an area. [34] Some of the relevant characteristics where TEK could be of value include:

- Protection from storms or winter icing;
- Water quality and history of pollution sources;
- Year-round site accessibility;
- History of disease organisms and harmful algal blooms;
- Nearby seal/sea lion haul outs or pupping areas, seabird colonies, eagle nests, or anadromous fish streams; and
- Navigation impediment

Additionally, the Joint Agency application outlines sensitive areas such as herring spawn areas, kelp and eelgrass beds, and wildlife concentration areas that applicants must avoid having a significant impact on. [35] This could be an additional point where TEK can play an important role in the application process, however applicants are instructed to consult with agencies like ADF&G - rather than the tribes themselves - to determine how a farm site can be arranged to avoid significant impacts to these areas. [36]

Within USACE's consultation protocols, the agency states that they will respect culturally specific information obtained from tribal

leadership or representation, as well as citizens. [37] Along with that information being respected, USACE also will weigh TEK similarly to western science in their decision-making processes. [38] Specific to Permits 48 and 55, there are considerations such as “Aquatic Life Movements,” “Spawning Areas,” and others where TEK can certainly impact the permitting process when respected and included as the agency contends it will be.

ANCSA and ANILCA

While ANCSA extinguished aboriginal claims to land and “any aboriginal hunting and fishing rights that may exist,” the settlement did not provide protection for hunting and fishing needs of Alaska Native people. The act extinguished any aboriginal claims to the lands, submerged lands, or waters of Alaska and usage thereof. [39] In absence of these claims, the Untied States government has responsibility for the management and protection of trust lands and natural resources. The United States is legally obligated to uphold its federal Indian trust responsibility; this responsibility is a legally enforceable fiduciary obligation for the United States to protect tribal treaty rights, lands, assets, and resources. [40]

In the Alaska Native Interest Lands Conservation Act (ANILCA) Title VIII, it is declared by Congress that “the continuation of the opportunity for subsistence uses by rural residents of Alaska... is essential to Native physical, economic, traditional, and cultural existence.” [41] Further that “in order to fulfill the policies and purposes of [ANCSA] as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands.” [42] In the act, “public lands” are defined as all Federal lands in the state of Alaska with two significant exceptions. [43] The first of these are selections of the State of Alaska bestowed in accordance with the Alaska Statehood Act or under any other provision of federal law, and the second includes land selections of a Native Corporation unless said selection has been determined invalid or is relinquished. [44] With this being so, ANILCA established that the policy of Congress will be to ensure

that “the utilization of public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands,” and that “non-wasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska.” [45] To achieve this, Congress mandates that Federal land managing agencies will cooperate with adjacent landowners and land managers - including Native Corporations, State and Federal agencies and other nations - when managing subsistence activities on “public lands” as defined within ANILCA. [46] If subsistence use is to take a priority in consumption of resources, it must also be a priority in resource management and policymaking. Applied to the growing aquaculture industry, this calls for a significantly increased prioritization of tribal consultation and co-stewardship, including the funding of staff to fulfill this capacity.

Comparative Analysis

The best like cases for comparison with Alaska's aquaculture permitting processes are the province of British Columbia and the state of California. Like Alaska, these territories border the Pacific Ocean and have an Indigenous population that is relatively high as compared to the rest of Canada and the United States. Though no example is perfect, each one provides an insight into how consultation and sovereignty can be woven into the aquaculture permitting process.

British Columbia

First Nations in British Columbia (BC) are given far greater consideration throughout the aquaculture permitting process than their Alaska Native relatives. Like in Alaska, BC's permitting guide recommends that applicants "consider information sharing with First Nations," [47] but unlike Alaska, the province's requirements go beyond this recommendation. Within the application it is stated that "Canada and the Province of British Columbia are legally obligated to consult and, where appropriate, accommodate First Nations on decisions that could impact treaty rights or Aboriginal rights and title… Federal and Provincial decision makers are responsible for ensuring adequate and appropriate consultation and accommodations." [48] As has been typical for these varying permit applications, when included the burden of consultation falls on the appropriate government agencies rather than on the applicant. However, the outward emphasis on their legal requirement to consult and adoption of language like "accommodate" indicate a more robust and valued process for consultation.

PART I - SECTION D: FIRST NATIONS CONSIDERATION

Canada and the Province of British Columbia are legally obligated to consult and, where appropriate, accommodate First Nations on decisions that could impact treaty rights or Aboriginal rights and title ("Aboriginal Interests"). Federal and Provincial decision makers are responsible for ensuring adequate and appropriate consultation and accommodations.

For more information please review the information available on the Ministry of Forests, Lands, Natural Resource Operations and Rural Development website: 'Consulting with First Nations'. Specifically, proponents are advised to review: "Guide to Involving Proponents When Consulting First Nations" (http://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations).

Proponents are encouraged to engage with First Nations as early as possible in the planning stages to build relationships and for information sharing purposes. You may use the Province's Consultative Areas Database to identify which First Nations to engage: (http://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations).

Is a summary of information sharing attached? ◯ Yes ◯ No

Figure 1. "Guide to Pacific Shellfish Application", Government of British Columbia

This section of the BC application continues, encouraging applicants to engage First Nations to build relationships and share information, as well as providing a consultation guide for their review. Further, the application includes a Yes/No question for applicants to indicate whether they have attached a summary of their information sharing plans. This inclusion provides some apparent weight to an applicant's decision to engage with First Nations or not, giving some accountability to this step's presence in the application, even if it isn't required.

California

California's permitting process makes a firm requirement for consultation when a proposed farm is located on public lands or waters. The California Environmental Quality Act (CEQA) requires a lead agency in certain circumstances to consult with a California Native American tribe when their traditional and cultural lands overlap with the area of a proposed project. [49] However, CEQA also states that the tribe is responsible for requesting formal notification of the proposed project and for requesting consultation. [50] Though these provisions leave it unclear where the burden of responsibility falls for initiating consultation, California's Department of Fish and Wildlife -

the lead agency on shellfish aquaculture permitting - outlines a more extensive policy for communication and consultation. It is their policy that they “will seek in good faith” to communicate and consult with tribes, providing timely and useful information, and fostering meaningful opportunities for tribes to respond and participate in decision-making processes that affect tribal interests. [51] They further state that they will contact tribes located in the same county as a proposed activity to provide the opportunity for any party to request consultation. [52]

As with British Columbia, California provides some valuable insight as to how Alaska Native communities can be better included in the permitting process for seaweed and shellfish aquaculture in the state.

Recommendations

From this review, it is clear that Alaska Native Tribes receive relatively little inclusion or consideration in mariculture permitting processes in the state of Alaska. For state agencies, the threat posed by a new farm to established uses like traditional harvest must reach what they deem to be “significant” for it to deter the development. What poses a “significant threat” is ultimately an agency decision, though it may be informed by Indigenous Knowledge and their consultation with tribes. Further consultation by the applicants themselves is not required in their application, although public outreach is encouraged. While current processes have been found wanting, there are a range of actions available to Tlingit & Haida as well as its state, federal, and tribal partners which can be pursued to bring about meaningfully improved outcomes for Alaska Native peoples and their inclusion in these permitting processes. To help inform the improvement of the consultation process in permitting and other areas of importance, Tlingit & Haida is working to build robust examples that demonstrate what meaningful government-to-government consultation looks like.

Strengthening Application Language

For state agencies, the first possible course of action is implementing changes in the permitting application’s language to make a stronger requirement for consultation and respect for Alaska Native tribal sovereignty in aquaculture processes. As previously noted, farmers are only recommended to request input from their local community and nearby tribes - not required. Agencies do have more substantial processes internally for consultation in the permitting review, but strengthening the expectation or requirement for applicants would create a more robust and collaborative process of tribal consultation in Alaskan aquaculture. In their joint-agency

application, Alaska's Department of Fish & Game and Department of Natural Resources should consider amending the application to include a section which more thoroughly outlines the importance of tribal notification and consultation and that includes a question for the applicant to identify in some way whether they have engaged with tribes and giving them an opportunity to elaborate. Such an inclusion, though not invoking an expanded requirement for applicants, would signal a greater expectation for them to engage with tribes. Also, having the applicant indicate whether and to what extent they have engaged with Tribes will add a layer of accountability for them meeting these self-imposed goals. Another minor change to the application's language that would make for a significant improvement is the inclusion of a statement like that from British Columbia's application, highlighting the responsibilities of the state and federal governments to uphold and even accommodate rural subsistence harvest. This would similarly add more weight to the recommendation for tribal consultation and hopefully would kindle a greater sense of accountability for the agencies to uphold these responsibilities as they review applications.

Making Indigenous Knowledge Confidential

Additionally, it would be greatly beneficial for state and federal agencies to establish agreements or incorporate clauses that designate Traditional Ecological Knowledge that has been shared with agencies as confidential. A common thread across conversations with both state and federal agencies has been that they often feel that they lack the information needed to determine when an aquaculture development may have "significant impact" on an established use such as subsistence. Conversely, a major concern for Alaska Native organizations and their citizens when participating in consultation is the confidentiality of sensitive information. [53] Sensitive information

can refer to a range of place-based Traditional Knowledge, which Alaska Native organizations and their citizens are often hesitant to provide in fear of harm to their way of life. This concern is due to the disclosure requirements under the Freedom of Information Act (FOIA) putting the information shared through consultation at risk of being shared more broadly. To resolve these diverging interests, agencies should endeavor to designate Indigenous Knowledge as confidential information, either through internal policies or bilateral agreements with Alaska Native tribes. One possibility for agencies to implement this is by including Traditional Knowledge in their interpretation of FOIA Exemption 4, which exempts trade secrets along with privileged or confidential commercial information obtained from a person from the requirements of FOIA. [54] Having this information protected from external distribution should encourage greater participation of tribal entities and citizens to share their knowledge with state and federal agencies. With more information at their disposal, agencies will better be able to determine when aquaculture developments will impact “established use” and create conflict, thus resulting in better outcomes for the state and its people.

Tools for Tribes and Citizens

For Tlingit & Haida, the first possible course of action could be to develop draft language or a screening/site assessment template for tribes in Southeast Alaska to use when notified of potentially impactful mariculture development. Doing so could ease the burden of effort for tribes with less resources or bandwidth to respond to such instance where consultation may be beneficial. Using the same language and ideas with more frequent engagement will also help to create a higher standard expectation for farmers and the state to engage with tribes in these processes.

Cooperation on Environmental Impact Assessments

The second recommendation is that Tlingit & Haida could request to work with the National Oceanic Atmospheric Administration (NOAA) on their ongoing Aquaculture Opportunity Area (AOA) environmental impact assessments. The Alaska AOA process is a multi-year endeavor in which NOAA and the State of Alaska have been working to analyze and identify AOAs in Alaska state waters to help sustainably advance mariculture. By serving as a cooperating agency in this process, Tlingit & Haida will have an expanded ability to shape the utilization of TEK in these processes outlining areas in Alaska to conserve, or that are best fit for expanding commercial mariculture.

Establishing a Regional Stewardship Commission

Another possible direction would be for Tlingit & Haida to lead in the creation of a regional stewardship commission, through which tribes can speak in unity and pursue shared goals in safeguarding the health of the environment, our cultural identity, and economic sovereignty. This organization could create a tribally-led regional stewardship framework for restoration and monitoring that can inform a variety of programming to collaboratively work on issues affecting the land and sea of Southeast Alaska.

Conclusion

Each of these strategies present opportunities for agencies along with Tlingit & Haida to generate meaningful progress for the inclusion of Indigenous Knowledge and respect for tribal sovereignty in the development of Alaska's burgeoning mariculture industry. Such action is important to ensure that these endeavors are being pursued for the best interests of tribal communities, the state and for all Alaskans.

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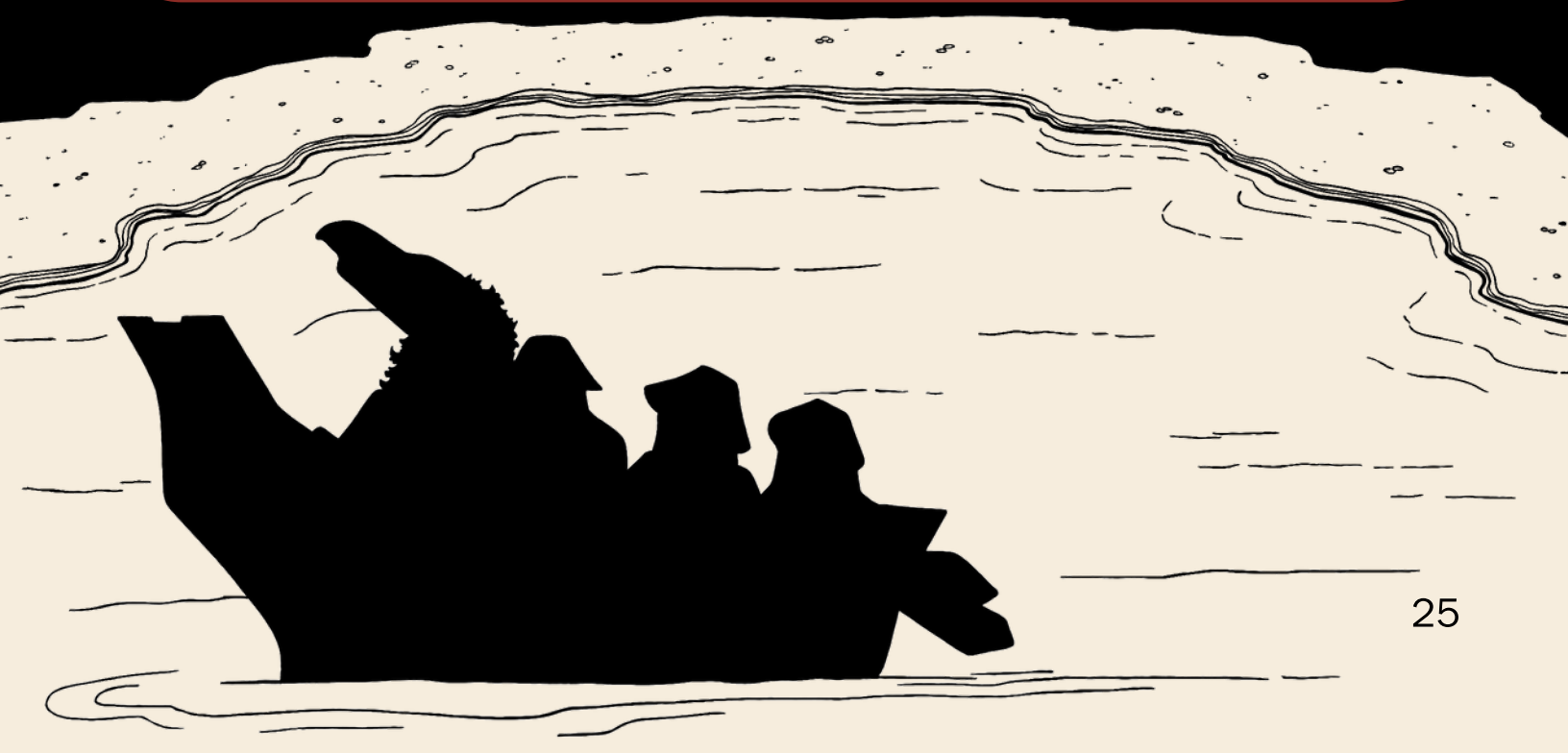

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Appendix A.

Recommendation	Actor	Expected Outcome	Timeline
Adjust permitting language	State agencies	Greater accountability for meeting requirements and expectation to consult with local tribes	Medium-term
Incorporate confidentiality for Indigenous Knowledge	State and federal agencies	Increased participation in consultation and comment processes	Medium-term
Develop draft language or a screening/site assessment template	Tlingit & Haida	Increased participation in consultation and comment processes	Short-term
Enter into cooperative agreement for NOAA's AOA EIS	Tlingit & Haida and NOAA	Better utilization of Indigenous Knowledge in the AOA identification process	Medium-term
Establish a regional stewardship commission for southeast Alaska	Tlingit & Haida	Unifying voices and efforts to promote more coherent stewardship policies along with increased engagement	Long-term