

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

August 4, 2022
9:45 a.m. - 1:15 p.m.
Hybrid Meeting

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*S. Woodward*) 9:45 a.m.
2. Board Consent (*S. Woodward*) 9:45 a.m.
 - Approval of Agenda
 - Approval of Proceedings from May 2022
3. Public Comment 9:50 a.m.
4. Executive Committee Report (*S. Woodward*) 10:00 a.m.
5. Consider Changes to the Appeals Policy (*R. Beal*) **Final Action** 10:10 a.m.
6. Report from *De Minimis* Work Group (*T. Kerns*) **Possible Action** 10:20 a.m.
7. Update on East Coast Climate Change Scenario Planning (*T. Kerns*) 10:35 a.m.
8. Review of NOAA Fisheries' Climate Ecosystem Fisheries Initiative (*J. Hare*) 10:45 a.m.
9. Update on the Risk and Uncertainty Policy (*J. McNamee*) 10:55 a.m.
10. NEAMAP Report **Action** (*N. Lengyel Costa*) 11:20 a.m.
11. Committee Reports 11:40 a.m.
 - Legislative (*B. Hyatt*)
 - Habitat (*L. Havel*) **Action**
 - Atlantic Coast Fish Habitat Partnership (*L. Havel*)
 - Assessment Science (*S. Murray*) **Action**
12. Consider Providing Comments to NOAA Fisheries on Atlantic Sturgeon Bycatch Working Group Draft Action Plan, if necessary (*T. Kerns*) **Possible Action** 12:25 p.m.
13. Review of Blue Catfish Science in the Chesapeake Bay 12:30 p.m.
(*M. Bromilow, C. Densmore, M. Groves*)
14. Review of NOAA Fisheries' Draft Equity and Environmental Justice Strategy 1:00 p.m.
(*S. Benjamin*)
15. Review Noncompliance Findings (If Necessary) **Action** 1:10 p.m.
16. Other Business/Adjourn 1:15 p.m.

The meeting will be held at The Westin Crystal City (1800 Richmond Highway, Arlington, VA; 703.486.1111) and via webinar; click [here](#) for details

MEETING OVERVIEW

ISFMP Policy Board
Thursday August 4, 2022
9:45 a.m. -1:15 p.m.
Hybrid Meeting

Chair: Spud Woodward (GA) Assumed Chairmanship: 10/21	Vice Chair: Joe Cimino (NJ)	Previous Board Meetings: May 5, 2022
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 5, 2022

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Executive Committee Report (10:00-10:10 a.m.)

Background

- The Executive Committee will meet on August 3, 2022

Presentations

- S. Woodward will provide an update of the Executive Committee's work

Board action for consideration at this meeting

- none

5. Consider Changes to the Appeal Process Final Action (10:10-10:20 a.m.)

Background

- The ISFMP Charter includes an opportunity for a state to appeal species management board decisions. A process was implemented in 2003 and revised to clarify appeal criteria.
- After the 2021 appeal decision regarding black sea bass commercial allocation, it was suggested additional improvements to the process may be appropriate.
- The Executive Committee has discussed and drafted a revised Appeals Process (**Briefing Materials**).

Presentations

- R. Beal will present the revised Appeals Process

Board action for consideration at this meeting

- Approve the revised Appeals Process

6. Report from De Minimis Work Group Possible Action (10:20-10:35 a.m.)**Background**

- The Commission includes de minimis provisions in interstate FMPs to reduce the management burden for states that have a negligible effect on the conservation of a species. The de minimis provisions in FMPs vary by species and include a range of requirements for management measures, reporting requirements, and de minimis qualification periods.
- Past Policy Board de minimis discussions focused on the balance between standardization across FMPs and the flexibility for the species management boards in developing de minimis provisions.
- The Policy Board tasked a Work Group to provide a recommendation for addressing de minimis that addresses the concerns raised by the Board which were presented in May. Based on the recommendations the Board tasked staff to draft a white paper with options for a draft policy.

Presentations

- T. Kerns will present the De Minimis White Paper (**Supplemental Materials**)

Board action for consideration at this meeting

- Consider White Paper Options

7. Update on East Coast Climate Change Scenario Planning Initiative (10:35-10:45 a.m.)**Background**

- In November 2020, the Northeast Region Coordinating Council (NRCC) initiated a region-wide scenario planning initiative. Through this East Coast Climate Change Scenario Planning Initiative, fishery managers and scientists are working collaboratively to explore jurisdictional and governance issues related to climate change and shifting fishery stocks.
- The specific focus of this scenario project is (i) to assess how climate change might affect stock distribution, availability and other aspects of east coast marine fisheries over the next 20 years, and (ii) to identify what this means for effective future governance and fisheries management.
- [A scoping process](#) was conducted in Fall of 2021 to introduce the initiative to stakeholders, to seek input on the draft project objectives, and to solicit input from stakeholders on factors and issues that might shape the future of East Coast fisheries. A summary of the scoping process and input received can be found [here](#).
- The Exploration Phase was conducted in spring, where three webinars were held that focused on identifying and analyzing the major drivers of change in depth which served as the “building blocks” for the scenario creation workshop.
- A [Scenario Creation Workshop](#) was held in June, where through a series of conversations and exercises, over 70 participants created a set of scenarios that describe how climate change *might* affect East Coast fisheries in the next 20 years.

Each scenario describes a different way in which changing oceanographic, biological, and social/economic conditions could combine to create future challenges and opportunities for East Coast fisheries.

Presentations

- T. Kerns will provide an update of the initiative and next steps

Board action for consideration at this meeting

- None

8. Review of NOAA Fisheries' Climate Ecosystem Fisheries Initiative (10:45-10:55 a.m.)

Background

- [The Climate, Ecosystems, and Fisheries Initiative](#) is a cross-NOAA effort to build the operational ocean modeling and decision support system needed to reduce impacts, increase resilience, and help marine resources and resource users adapt to changing ocean conditions.

Presentations

- J. Hare will present the initiative

Board action for consideration at this meeting

- None

9. Update on Risk and Uncertainty Policy (10:55-11:20 a.m.)

- At the 2020 Summer Meeting, Commissioners supported the continued development of the draft Risk and Uncertainty Policy and Decision Tool. The Policy Board tasked the Risk and Uncertainty Policy Workgroup with further refining the criteria for the Risk and Uncertainty Decision Tool and updating the striped bass example.
- In the Winter of 2021, the Board reviewed the draft Risk and Uncertainty Policy. The Board determined the Policy was ready for a test run and tasked the Tautog Management Board to use the Policy in conjunction with 2021 Tautog Stock Assessment Update.

Presentations

- J. McNamee will present a summary of the pilot of the Policy and recommendations

Board action for consideration at this meeting

- none

10. NEAMAP Report (11:20-11:40 a.m.)

- The Northeast Area Monitoring and Assessment Program (NEAMAP) is a cooperative state/federal program facilitating fishery-independent data collection, analysis & dissemination in the Northeast area (ME to NC).
- Over the years, there have been many discussions about what constitutes a NEAMAP survey and which surveys should be included under the NEAMAP name. Current NEAMAP surveys include the Southern New England/Mid-Atlantic Nearshore Trawl Survey (VIMS), Maine-New Hampshire Inshore Trawl Survey, and the Massachusetts Division of Marine Fisheries Bottom Trawl Survey. However, a number of other trawl surveys are conducted by NEAMAP partner state and federal agencies, which could

be included under the NEAMAP umbrella. In addition, there has been an ongoing need to clarify what criteria NEAMAP surveys must meet, as well as whether or not NEAMAP should develop common protocols.

- The NEAMAP Operations Committee developed a draft NEAMAP survey definition to clarify to the public what constitutes a “NEAMAP survey.” The new definition would expand the NEAMAP survey label to the other NEAMAP partner trawl surveys.
- The NEAMAP Operations Committee is also working to develop a high-level set of NEAMAP principles and guidance documents on specific technical topics. These principles and guidance documents will not require methodology changes from ongoing survey but will serve to define best practices.

Presentations

- N. Lengyel Costa will present an overview of NEAMAP and the new NEAMAP survey definition, as well as the planned next steps for developing NEAMAP principals and protocols.

Board action for consideration at this meeting

- Consider approval of the NEAMAP survey definition.

11. Committee Reports (11:40 a.m.- 12:25 p.m.)

Background

- In 2022, the **Legislative Committee** has engaged Congress on the Recovering America’s Wildlife Act, the Forage Fish Conservation Act, the Shark Fin Sales Elimination Act, and FY22, FY23, and 24 Appropriations. It provided talking points and background information for Commissioners to interact with Congressional staff and facilitated several virtual interactions.
- The **Habitat Committee** met in June. The Committee has completed the update to the 2018 ASMFC State Climate Change Initiatives Gaps and Recommendations Report (**Briefing Materials**) and the Fish Habitats of Concern designations for Commission-managed species and Atlantic sturgeon
- Atlantic Coast Fish Habitat Partnership’s Steering Committee met in Summer 2022. The FY2022 National Fish Habitat Partnership funded projects were announced earlier this year.
- The Stock Assessment Committee met to review the upcoming Commission stock assessment and made adjustments due to work load.

Presentations

- B. Hyatt will provide an update of the Legislative Committee’s work in 2022
- L. Havel will provide and update of the Habitat Committee’s work and present the two reports
- L. Havel will provide an update of the ACFHP’s work
- S. Murray will provide an update of the Stock Assessment Committee’s work (**Supplemental Materials**)
- K. Drew and K. Anstead will update on the progress of the River Herring and American Eel stock assessments

Board action for consideration at this meeting

- Consider approval of the update to the 2018 ASMFC State Climate Change Initiatives Gaps and Recommendations Report
- Consider approval of the updated stock assessment schedule

12. Consider Providing Comments to NOAA Fisheries on Atlantic Sturgeon Bycatch Working Group Draft Action Plan Possible Action, if necessary (12:25-12:30 p.m.)

Background

- NOAA Fisheries will review the Atlantic Sturgeon Bycatch Working Group Draft Action Plan on Tuesday August 2.

Presentations

- T. Kerns will provide an update of the Commissions discussion regarding the Draft Action Plan

Board action for consideration at this meeting

- Consider Comments to NOAA Fisheries on the Draft Action Plan

13. Review of Blue Catfish Science in the Chesapeake Bay (12:30-1:00 p.m.)

Background

- The NOAA Invasive Catfish Working Group, the U.S. Geological Survey's Eastern Ecological Science Center, and Maryland DNR are conducting science related to invasive blue catfish predation/diet, life history, movement, and mitigation strategies in the Chesapeake region (**meeting materials**).

Presentations

- M. Bromilow will provide an overview of the NOAA Chesapeake Bay Office Invasive Catfish Workgroup and related science activities.
- M. Groves will present on blue catfish monitoring and biological data collection in Maryland's tidal tributaries of the Chesapeake Bay.
- C. Densmore will present on USGS science examining blue catfish health and disease, reproduction, and diet

Board action for consideration at this meeting

- None

14. Review of NOAA Fisheries' Draft Equity and Environmental Justice Strategy (1:00-1:10 p.m.)

Background

- NOAA Fisheries is committed to advancing equity and environmental justice, including equal treatment, opportunities, and environmental benefits for all people and communities, while building on continuing efforts and partnerships with underserved and underrepresented communities. To help guide their work, they developed the [Equity and Environmental Justice Strategy](#). This strategy describes the path that we will take to incorporate equity and environmental justice into the vital services we provide to all stakeholders.

Presentations

- S. Benjamin will provide a review of the draft strategy

Board action for consideration at this meeting

- None

15. Review Non-Compliance Findings, if Necessary Action

16. Other Business/Adjourn

Atlantic States Marine Fisheries Commission

APPEALS PROCESS

For Executive Committee consideration on July 26, 2022 and
ISFMP Policy Board consideration on August 4, 2022.

Background

The Atlantic States Marine Fisheries Commission’s interstate fisheries management process is based on the voluntary commitment and cooperation of the states. The involved states have frequently demonstrated their willingness to compromise and the overall process has proven to be very successful. However, there have been instances where a state/jurisdiction has expressed concern that the Board decisions have not been consistent with language of an FMP, resulted in unforeseen circumstances or impacts, did not follow established processes, or were based on flawed technical information. In order to address these concerns, the ISFMP Policy Board charged the Administrative Oversight Committee with “exploring and further developing an appeals process”.

Under the current management process the primary policy development responsibility lies with species management boards. And, in the case of development of new fishery management plans or amendments the full Commission has final approval authority prior to implementation. The purpose of the appeals process is to provide a mechanism for a state/jurisdiction to petition for a management decision to be reconsidered, repealed or altered. The appeals process is intended to only be used in extraordinary circumstances where all other options have been exhausted. The management boards have the ability to go back and correct errors or address additional technical information through the recently clarified process on “amending or rescinding previous board actions”.

During the December 2003 ISFMP Policy Board meeting, the decision was made to continue to have the Policy Board serve as the deliberative body that will consider valid appeals. This decision is consistent with the language that is included in the ISFMP Charter. However, the Charter does not provide detailed guidance on how an appeal is to be addressed.

This paper details for the Commission appeals process.

Appeal Criteria – The intent of the appeals process is to provide a state with the opportunity to have a decision made by a species management board or section reconsidered by the Policy Board. The following criteria will be used to guide what type of decisions can be appealed. In general, management measures established through the FMP/amendment/addendum process can be appealed. However, the appellant must use one of the following criteria to justify an appeal:

1. Decision not consistent with, or is contrary to, the stated goal and objectives of the current

FMP (Goal and Objective Section of FMPs/Amendments or Statement of the Problem Section of Addenda).

2. Failure to follow process as identified in the ISFMP Charter, Rules and Regulations or other ASMFC guiding documents (e.g. conservation equivalency guidance).
3. Insufficient/inaccurate/incorrect application of technical information. Examples can include but are not limited to:
 - a. If for any calculations used in the decision, an error which changes the results was identified after the decision was rendered;
 - b. If any data used as the basis for a decision, undergoes a modification which impacts results after the decision was rendered (i.e. a landings dataset is adjusted significantly due to a recalibration or application of a control rule adjustment);
 - c. If data is incorrectly identified and therefore incorrectly applied, such as a misidentification of landings information as catch information, or incorrectly assigned landings/catch to a jurisdiction;
 - d. If information used as the basis for the decision lacked scientific or statistical rigor, thereby calling in to question the sound basis for the decision;
 - e. If the historical landings, catch, or abundance time series used as a basis for a decision is found to be incorrect.

Any appeal based on criterion 3 may be verified independently by a technical body appointed by the Chair, as needed.

4. Management actions resulting in unforeseen circumstances/impacts that were not considered by the Board as the management document was developed.

The following issues could not be appealed:

1. Management measures established via emergency action
2. Out-of-compliance findings (this can be appealed but, through a separate, established process)
3. Changes to the ISFMP Charter

Appeal Initiation – The ISFMP Charter provides that a state aggrieved by a management board action can appeal to the ISFMP Policy Board. Any state can request to initiate an appeal; also a group of states can submit a unified request for an appeal. The states are represented on the Commission by three representatives that have the responsibility of acting on behalf of the states' Executive and Legislative branches of government. Therefore, in order to initiate an appeal all seated Commissioners (not proxies) of a state's caucus must agree that an appeal is warranted and must sign the letter submitted to the Commission. If a multi-state appeal is requested all the Commissioners from the requesting states must sign the letter submitted to the Commission. During meetings where an appeal is discussed proxies will be able to participate in the deliberations. Meeting specific proxies will not be permitted to vote on the final appeal determination, consistent with Commission policy.

A state (or group of states) can request and appeal on behalf of the Potomac River Fisheries Commission, District of Columbia, National Marine Fisheries Service, or the United States Fish and Wildlife Service.

The letter requesting an appeal will be submitted to the Chair of the Commission and include the measure(s) or issue(s) being appealed, the justification for the appeal, and the commitment to comply with the finding of the Policy Board. This letter must also include a demonstration that all other options to gain relief at the management board level have been exhausted. This letter must be submitted via certified mail or email at least **45 days** prior to a scheduled ASMFC Meeting Week. The Commission Chair, Vice-Chair and immediate past Chair will determine if the appeal meets the qualifying guidelines and notify the Policy Board of their decision. If the immediate past chair is no longer a commissioner the Chair will select an alternate from a state that is not affected by the appeal. Also, if the Chair, Vice-Chair or immediate past Chair is a signatory to the appeal, the Chair will select an alternate from a state that is not affected (or minimally affected) by the appeal.

Convene a “Fact Finding” Committee (optional) – Upon review of the appeal documentation, the Commission Chair, Vice-Chair and immediate past Chair (or alternate if necessary, as described above) may establish a “Fact Finding” Committee to conduct analyses and/or compile additional information if necessary. This group will be made up of individuals with the technical expertise (including legal, administrative, social, economic, or habitat expertise if necessary) and familiarity with the fishery to conduct the necessary analysis. If such a committee is convened the schedule included in the last section of this document may need to be adjusted to provide time for the Committee to conduct analyses. The Commission Chair, Vice-Chair and immediate past Chair (or alternate if necessary, as described above) may set a deadline for the Committee to complete its work to ensure the appeal is addressed in a timely manner.

ISFMP Policy Board Meeting – Following the determination that an appeal has met the qualifying guidelines, a meeting of the Policy Board will be convened at a scheduled ASMFC meeting week. The agenda of this meeting will be set to allow sufficient time for all necessary presentations and discussions. The Chair of the Commission will serve as the facilitator of the meeting. If the Chair is unable to attend the meeting or would like to more fully participate in the deliberations, the Vice-Chair of the Commission will facilitate the meeting. The ISFMP Director will provide the background on the development of the management program as well as a summary of the justification provided in the record for the management board’s action. The ISFMP Director will also present the potential impacts of the appeal on other affected states. The appellant Commissioners will present their rationale for appealing the decision and provide a suggested solution. The Policy Board will then discuss the presentations and ask any necessary questions. **If the Policy Board needs additional technical information to support a decision on an appeal, the Policy Board can request additional analysis from one of the Commission’s technical support groups. This request will be addressed prior to the Commission’s next quarterly meeting and then the Policy Board will be reconvened to take**

action on the appeal. The Policy Board can meet between quarterly meetings if the timing allows. The Policy Board will vote to determine if the management board's action was justified. A simple majority of the Policy Board is required to forward a recommendation to a management board for corrective action. If the Policy Board determines that the existing management program should be modified, it will issue a finding to that effect as well as any guidance regarding corrective action to the appropriate species management board. The referral may be worded to allow the management board flexibility in determining the details of the corrective action. If the Policy Board requires a management board to take specific corrective actions, the scope of potential corrective actions must be consistent with the presentation of management options provided to the public in the Draft Amendment or Addendum.

Upon receipt of the Policy Board's recommendation the management board will discuss the findings and make the necessary changes to address the appeal. The management board is obligated to make changes that respond to the findings of the Policy Board. A simple majority of the management board will be necessary to approve the changes.

If the management board is unable to make the changes necessary to respond to the findings of the Policy Board, the following options are available:

1. The management board can request clarification from the Policy Board on the specifics of the findings. A meeting of the Policy Board will be scheduled to ensure the requested clarification is provided to the management board to take action at the Commission's next quarterly meeting.
2. The management board can inform the Policy Board that it is unable to address the findings and the Policy Board will take action to approve changes to address the appeal.
3. The management board can request additional analyses from the technical committee or other technical support group (e.g. Management and Science Committee, Assessment Science Committee). A meeting of the appropriate technical group will be scheduled to ensure the requested information is provided to the management board to take action at the Commission's next quarterly meeting.

Appeal Products and Policy Board Authority – Following the Policy Board meeting a summary of the meeting will be developed. This summary will include a detailed description of the findings and will be forwarded to the appropriate management board and Policy Board upon completion. If the Policy Board determines that changes to the management program are necessary, the summary may include guidance to the management board for corrective action. The report of the Policy Board will be presented to the management board for action at the next scheduled meeting.

Considerations to Prevent Abuse of the Appeals Process – The appeals process is intended to be used only in extraordinary situations and is in no way intended to provide a potential avenue to preempt the established board process. The initiation of an appeal will not delay the Commission process for finding a state out of compliance nor delay or impede the imposition of



Atlantic States Marine Fisheries Commission

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De Minimis White Paper

August 2022

The Atlantic States Marine Fisheries Commission (Commission) includes *de minimis* provisions in interstate Fishery Management Plans (FMP) to reduce the management burden for states that have a negligible effect on the conservation of a species. The ISFMP Charter includes a definition of *de minimis* and the requirement to include *de minimis* provisions in the FMP.

Definition: De Minimis – A situation in which, under existing conditions of the stock and the scope of the fishery, conservation and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by an FMP or amendment.

FMP Provisions: ... and provided that each fishery management plan shall address the extent to which States meeting de minimis criteria may be exempted from specific management requirements of the fishery management plan to the extent that action by the particular States to implement and enforce the plan is not necessary for attainment of the fishery management plan's objectives and the conservation of the fishery.

The *de minimis* provisions in FMPs vary by species and include a range of requirements for management measures, reporting requirements, and *de minimis* qualification thresholds. This white paper outlines a draft policy that would set *de minimis* standards for Commission FMPs. The draft policy proposes to allow species Boards to deviate from these standards to address unique characteristics of a fishery. It is noted, Federal FMPs do not recognize *de minimis* standards; therefore, any *de minimis* measure implemented in a Commission FMP for jointly managed species could result in inconsistent measures between state and federal waters.

Draft De Minimis Policy

De minimis provisions within Commission FMPs are designed to reduce the management burden for states that have a negligible effect on the conservation of a species. This draft policy outlines *de minimis* standards for Commission FMPs. A species board may deviate from these standards to address unique characteristics of a fishery. If a board deviates from the Policy's standards, a rationale will be provided within the FMP.

Minimum Standards

By definition states that meet *de minimis* standards would have a negligible effect on the conservation of a species, therefore those states should not have to change regulations year-to-year to meet FMP requirements. Each FMP will establish a set of measures for *de minimis* states to implement that would not have to change year-to-year. These measures would provide a minimal level of the species conservation as well as prevent regulatory loop holes. These measures could be for both the commercial and recreational fishery or different measures could be set for each fishery.

De Minimis Fishery Designation

De minimis can apply to commercial or recreational fisheries or both. In some cases, a state could meet *de minimis* requirement for one fishery but not both, and depending on how the FMP defines *de minimis* the state may not meet the requirement and thus would not be considered *de minimis* (e.g. The FMP for species X sets the *de minimis* requirement by looking at total commercial and recreational landings together, state A has a very small commercial fishery but a recreational fishery that brings them above the *de minimis* threshold. If the requirements had been separate, state A would have met *de minimis* for the commercial fishery but not the recreational fishery).

Option 1: Each species board will review the *de minimis* provisions to determine how *de minimis* will be considered (both fisheries together, separated or only one sector).

Option 2: *De minimis* provisions will be considered separately for commercial and recreational fisheries or for only one sector only.

Option 3: *De minimis* provisions will be considered with commercial and recreational fisheries combined.

De Minimis Thresholds

De minimis thresholds will be based on the average landings from the previous X (see options below) years of landings. The averaging of multiple years of data prevents a state from taking action as a result of a rare event.

Options for the number of years (X) data would be averaged:

Option 1: two years of data

Option 2: three years of data

A state can be considered *de minimis* if the average landings for the last X years is less than Y % (see options below) of the coastwide landings.

Options for the percent of the coastwide landings (Y):

Option 1: Task the species boards to have the technical committee review the *de minimis* thresholds to determine an appropriate level that would have a negligible effect on the conservation of the species.

Option 2: less than 1% of the average X years of landings data

Option 3: less than 0.5% of the average X years of landings data

Sampling Requirements

De minimis states can be exempt from sampling requirements because it may be difficult to meet the sampling requirements of the plan when there are minimal landings. For stock assessments it may be important to have some biological samples on the outer edges of a species range where *de minimis* states often fall. For data poor species, it may be necessary for states to collect biological samples, even with minimal landings. Species boards shall have the stock assessment subcommittee or technical committee review the sampling requirements for *de minimis* states to determine what level, if any, is appropriate.

Current FMP *De Minimis* Measures

Species	<i>De Minimis</i> Qualification (include # of landing years if applicable)	Sector Application: Commercial and/or Recreational; Both (can not split them)	Exemption From:
American Eel	Applicable by life stage if, for the proceeding 2 years, the average commercial landings (by weight) of that life stage constitute less than 1% of coastwide commercial landings for that life stage for the same 2 year period.	Commercial	Having to adopt the commercial and recreational fishery regulatoins for that particular life stage and any fishery-dependent monitoring elements for that life stage and any fishery-dependent monitoring elements for that life stage.
American Lobster	Average of last 2 years commercial landings is not more than 40,000 lbs	Commercial	All FMP requirements except coastwide measures and those deemed necessary by the Board when <i>de minimis</i> is granted
Atlantic Croaker	Average commercial or recreational landings (by weight) constitute <1% of the average coastwide commercial or recreational landings for the most recent three years in which data is available.	Commercial and/or recreational	A state that qualifies for <i>de minimis</i> for commercial and/or recreational fisheries is exempt from implementing management response for the <i>de minimis</i> fishery when the 30% moderate response level from the Traffic Light Approach is triggered.
Atlantic Herring	Average of last three years' combined commercial landings (weight) is < 1% of coastwide for same two years	Commercial	Not specified in Plan
Atlantic Menhaden	A state's bait landings must be less than 1% of the total coastwide bait landings for the most recent two years. State(s) with a reduction fishery are not eligible for <i>de minimis</i> consideration	Commercial (There is no management of the recreational fishery)	If granted <i>de minimis</i> status by the Board, states are exempt from implementing biological sampling as well as pound net catch and effort data reporting.
Atlantic Sturgeon	NA	NA	NA

Black Drum	The average combined commercial and recreational landings (by weight) constitute less than 1% of the average coastwide commercial and recreational landings in the most recent three years in which data is available.	Both	Not specified in Plan
Black Sea Bass	NA	NA	NA
Bluefish	Commercial landings less than 0.1% of the total coastwide commercial landings in the last preceding year for which data is available	Commercial	Allocated 0.1% of commercial quota. Exempt from the Biological Monitoring Program.
Cobia	In order for a state to be considered <i>de minimis</i> for its recreational fishery, its recreational landings for 2 of the previous 3 years must be less than 1% of the coastwide recreational landings for the same time period. In order for a state to be considered <i>de minimis</i> for its commercial fishery, its commercial landings for 2 of the previous 3 years must be less than 2% of the coastwide commercial landings for the same time period.	Commercial and/or recreational	A recreational <i>de minimis</i> state may choose to match the recreational management measures implemented by an adjacent non- <i>de minimis</i> state (or the nearest non- <i>de minimis</i> state if none are adjacent) or limit its recreational fishery to 1 fish per vessel per trip with a minimum size of 33 inches fork length (or the total length equivalent, 37 inches). Commercial <i>de minimis</i> states are subject to the same commercial regulations as the rest of the coastwide fishery but are not required to monitor their in-season harvests. To account for potential landings in <i>de minimis</i> states not tracked in-season against the quota, 4% of the commercial quota or 5,000 pounds, whichever is less, is set aside and not accessible to non- <i>de minimis</i> states.
Horseshoe Crab	For the last 2 years, a state's combined average landings, based on numbers, must be < 1% of coastwide landings for same 2-year period	Commercial	States that qualify for <i>de minimis</i> status are not required to implement any horseshoe crab harvest restriction measures, but are required to implement components A, B, E and F of the monitoring program.

Current FMP *De Minimis* Measures

Jonah Crab	States may qualify for <i>de minimis</i> status if, for the preceding three years for which data are available, their average commercial landings (by weight) constitute less than 10 1% of the average coastwide commercial catch	Commercial	States who qualify for <i>de minimis</i> are not required to implement fishery independent and port/sea sampling requirements
Northern Shrimp	NA	NA	NA
Red Drum	The PRT chose to evaluate an individual state's contribution to the fishery by comparing the two-year average of total landings of the state to that of the management unit.	Not specified in Plan	<i>De minimis</i> status does not exempt either state from any requirement; it may exempt them from future management measures implemented through addenda to Amendment 2, as determined by the Board.
Scup	NA	NA	NA
Shad and River Herring	A state can request <i>de minimis</i> status if commercial landings of river herring or shad are less than 1% of the coastwide commercial total.	Commercial	<i>De minimis</i> status exempts the state from the subsampling requirements for commercial biological data.
Spanish Mackerel	The previous three-year average combined commercial and recreational catch is less than 1% of the previous three-year average coastwide combined commercial and recreational catch.	Both	Those states that qualify for <i>de minimis</i> are not required to implement any monitoring requirements, as none are included in the plan.
Spiny Dogfish	Commercial landings are < 1% of coastwide commercial landings	Commercial only	State is exempt from the monitoring requirements of the commercial spiny dogfish fishery for the following fishing year. However, must continue to report any spiny dogfish commercial or recreational landings within their jurisdiction via annual state compliance reports.
Coastal Sharks	Not specified in Plan; determined on a case by case basis.	Not specified in Plan	Not specified in Plan, but unnecessary to implement all regulatory requirements in the FMP

Spot	A state qualifies for <i>de minimis</i> status if its past 3-years' average of the combined commercial and recreational catch is less than 1% of the past 3-years' average of the coastwide combined commercial and recreational catch.	Both	A state that qualifies for <i>de minimis</i> for both fisheries is exempt from implementing management response for the <i>de minimis</i> fisheries when the 30% moderate response level from the Traffic Light Approach is triggered.
Spotted Sea Trout	A state qualifies for <i>de minimis</i> status if its previous three-year average combined commercial and recreational catch is less than 1% of the previous three-year average coastwide combined commercial and recreational catch.	Both	Those states that qualify for <i>de minimis</i> are not required to implement any monitoring requirements, as none are included in the plan.
Striped Bass	Average of last two years' combined commercial and recreational landings (lbs) is < 1% of coastwide for same two years	Both	State requested requirements that the Board approves (except annual reporting)
Summer Flounder	Landings from the last preceding calendar year which data are available are less than 0.1% of the total coastwide quota for that year	Commercial	State quota will be 0.1 % of the coastwide quota and subtracted from the coastwide quota before allocation to the other states (state waters only)
Tautog	Most recent years commercial landings are < 1% of coastwide commercial landings or less than 10,000 lbs	Commercial	The <i>de minimis</i> state is required to implement the commercial minimum size provisions, the pot and trap degradable fastener provisions, and regulations consistent with those in the recreational fishery (including possession limits and seasonal closures). The state must monitor its landings on at least an annual basis. If granted <i>de minimis</i> status, a state must continue to collect the required 200 age/length samples.
Weakfish	Combined average commercial and recreational landings (by weight) constitute less than 1% of the coastwide commercial and	Both	The recreational or commercial fishing provisions of Amendment 4, except BRD requirements and annual reporting

Current FMP *De Minimis* Measures

	recreational landings for the most recent two year period.		
Winter Flounder	Preceding three years landings for which sector data are available average <1% sector coastwide landings	Commercial and/or recreational	Biological monitoring/sub-sampling activities for the sector for which <i>de minimis</i> has been granted

penalties for delayed compliance.

Limiting Impacts of Appeal Findings – If a state is successful in an appeal and the management program is altered, another state may be negatively impacted by the appeals decision. In order to prevent an appeals “chain reaction,” the Policy Board’s recommendation and the resulting management board’s decision will be binding on all states. All states with an interest in the fishery will be obligated to implement the changes as approved by the management board. Upon completion of the appeals process, a state is not precluded from taking further action beyond the Commission process to seek relief.

If the Policy Board supports the appeal and determines that corrective action is warranted, the potential for management changes to negatively impact other states will be evaluated by the Policy Board and the species management board. **In the case of jointly managed species, the Policy Board and the species management board should consider that corrective action could result in inconsistent measures between state and federal waters.**

Appeals Process Timeline

1. Within **15 working days** of receipt of a complete appeal request the Commission Chair, Vice-Chair, and immediate past chair (or alternate) will determine if the state has an appeal which meets the qualifying guidelines.
2. Upon a finding that the appeal meets the qualifying guidelines, the appeal will be included on the agenda of the ISFMP Policy Board meeting scheduled during the next ASMFC Meeting Week (provided an adequate time period is available for preparation of the necessary documentation).
3. Following the finding that an appeal meets the qualifying guidelines, Commission staff and the appellant commissioners will have a minimum of **15 working days** to prepare the necessary background documents.
4. The background documents will be distributed at least **15 days** prior to the Policy Board meeting.
5. If the management board requests additional information from the Policy Board or a technical support group, a meeting of the Policy Board or technical support group will be scheduled as quickly as practical to allow the management board to take action at the Commission’s next quarterly meeting.

A summary of the Policy Board meeting will be developed and distributed to all Commissioners within **15 working days** of the conclusion of the meeting.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: ISFMP Policy Board

FROM: Sarah Murray, Fisheries Science Coordinator

DATE: July 26, 2022

SUBJECT: Risk and Uncertainty Policy

Background

In recent years, the Commission has been developing a Risk and Uncertainty Policy and Decision Tool. At the 2021 Winter Meeting, the ISFMP Policy Board recommended using tautog as a pilot case for the policy. Preliminary Risk and Uncertainty Decision Tools were developed for each of the four tautog management regions using input from the Tautog Management Board, Tautog Technical Committee, and the Committee on Economic and Social Sciences. The Tautog Board reviewed the decision tools and the Preliminary Tautog Risk and Uncertainty Report (see supplemental materials) at the 2021 Fall Meeting.

In the normal risk and uncertainty process, the next phase would only be triggered if a management action was initiated. However, the Tautog Board did not initiate a management action at the 2021 Fall Meeting. To complete the tautog pilot case and improve understanding of the process, the Tautog Board tasked staff with developing hypothetical scenarios that illustrated how the tool would have worked (see Risk and Uncertainty Decision Tool Hypothetical Scenarios Memo in supplemental materials).

Next Steps

The following input is requested from the Policy Board in order to determine the next steps for the Risk and Uncertainty Policy:

- Should a test case with a different species be conducted or should the Commission move forward with finalizing and approving the policy?
 - Note: the current iteration of the process and decision tool are only applicable to data-rich, quota-managed species. The likely next candidate species, for either another test case or the first implementation of the policy, include: tautog (assessment update, 2024), red drum (benchmark assessment, 2024), and cobia (benchmark assessment, 2025).
- Should the Commission develop and test a process for data poor species in the interim (before the next candidate data-rich species)?
- Should the Policy only apply to species that are solely managed by ASMFC?
- Should the Policy require ASMFC to conduct the process when a relevant management action is expected or should the process be optional?

M22-85



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MEMORANDUM

TO: Tautog Management Board

FROM: Sarah Murray, Fisheries Science Coordinator

DATE: January 10, 2022

SUBJECT: Risk and Uncertainty Decision Tool Hypothetical Scenarios

Background

In recent years, the Commission has been developing a policy to better account for the risk and uncertainty that is inherent to fisheries management. One of the key components of accounting for risk is determining risk tolerance – in the case of the Commission, how much risk is acceptable for a species or stock. The Commission’s preliminary Risk and Uncertainty Policy provides a consistent yet flexible method for arriving at a recommended risk level that takes into account the Commission’s priorities and characteristics of the stock and fishery.

In the typical management-decision process, projections of biomass are used to help determine the appropriate harvest level for a stock. Different harvest levels result in different probabilities of achieving the reference points; for example, higher harvest levels have a lower probability of being at or below the F target, while lower harvest levels have a higher probability of achieving the F target. Management priorities and risk tolerance determine the appropriate probability to use to set the harvest level for a stock. In the past, the Commission decisions regarding this probability have been made via *ad hoc* Board discussions.

The preliminary Risk and Uncertainty Decision Tool provides a structured method for arriving at the probability of achieving the reference points. The decision tool incorporates different information related to the risk and uncertainty for a species (technical inputs) and combines it with the relative importance of the information (weighting) to arrive at the recommended probability of achieving the reference points.

Tautog Pilot Case

At the 2021 Winter Meeting, the ISFMP Policy Board recommended using tautog as a pilot case for the Commission’s draft Risk and Uncertainty Policy. Preliminary Risk and Uncertainty Decision Tools were developed for each of the four tautog management regions based on input from the Tautog Management Board, Tautog Technical Committee (TC), and Committee on Economic and Social Sciences (CESS). The Board reviewed the preliminary Tautog Risk and Uncertainty Report, which summarized the preliminary decision tools, at the 2021 Fall Meeting.

M22-08

Normally, the risk and uncertainty process would only continue to the next stage if a management action was initiated. Otherwise, the species decision tool would be saved for future use. While the Tautog Board did not initiate a management action at the 2021 Fall Meeting, the Board tasked staff with developing hypothetical scenarios to illustrate how the tool would have worked and complete the tautog pilot case.

Decision Tool Process

If a management action had been initiated, the next step would be for the TC to produce a preliminary recommended probability (Table 1) of achieving the fishing mortality (F) target reference point for each of the management regions. The preliminary probabilities would include all of the components of the decision tool except for the socioeconomic component – in other words, this would be the recommended level of precaution if no socioeconomic considerations were taken into account. The TC would conduct projections to determine the harvest level that would result in F being at or below F target with the preliminary probabilities. Next, the CESS would compare the preliminary harvest levels to the status quo harvest levels and use the difference to score the management effect portion of the socioeconomic component. The socioeconomic scores would be added to the decision tool to produce a final recommended probability that includes socioeconomic considerations. The Board would review the final recommended probability and decide whether to accept it and use it to determine the future harvest level, or adjust the weightings to better reflect Board priorities.

Hypothetical Scenarios

In the case of tautog, a management action was not initiated and, as a result, the final stage using the probabilities with projections will not be completed. To complete the tautog pilot, hypothetical scenarios (Table 2) were developed to illustrate how the decision tools would have worked. These scenarios are not based on projections and therefore do not represent real scenarios or management options. While the real process would use the difference between the preliminary harvest level and the status quo to score management effect, these scenarios use hypothetical percent differences. For example, scenarios 2a-e (Table 2) demonstrate what the final recommended probabilities would be if the preliminary harvest level was a 5-10% change from status quo; this change could be an increase or a decrease in harvest.

The scenarios (Table 2, scenarios 2b - e) also include different potential weightings for the socioeconomic components. In the decision tool, the short-term socioeconomic component often decreases the probability (reducing precaution) and long-term socioeconomic component often increases the probability (increasing precaution). The socioeconomic component serves as a way to balance tradeoffs between short-term and long-term socioeconomic considerations, based on Board preferences. In the weightings produced from the Tautog Board's input, the short-term and long-term components were weighted roughly the same (Table 2, scenario 2a). This is a result of differing opinions on short-term and long-term

tradeoffs, which averaged out to similar scores. Because the short-term and long-term socioeconomic technical inputs were the same scores, the two components largely balance each other out. As a result, the different hypothetical management effect scores have little to no impact on the final probability.

To illustrate how the management effect score could impact the final probability, additional scenarios with alternate weightings for the socioeconomic components were added. The original decision tool weightings were based on Board input on the relative importance of each decision tool component compared to the others, scored from much less important (1) to much more important (5). Scenarios 2b and 2d demonstrate what the hypothetical scenarios would look like if short-term was scored as a 5 and long-term was scored as a 1, and vice-versa. While the original weightings were all based on the 1 – 5 scores, it is possible to weight a component even higher than this. Scenarios 2c and 2e demonstrate a more extreme weighting, which is the equivalent of having scored the short-term or long-term component as a 10. The tautog FMP mandates that the Board must use at least a 50% chance of achieving the *F* target when taking action to reduce *F*, so for the hypothetical scenarios, 50% was used as the lower limit and scenarios or weightings that would have resulted in a recommended probability of less than 50% were not included. A higher probability of achieving *F* target would result in a lower harvest limit.

For all regions, putting more weight on short-term socioeconomic considerations resulted in a lower recommended probability, while putting more weight on long-term socioeconomic considerations resulted in a higher recommended probability. The amount that the probability was changed depended on how much higher the weights for these components were. For the scenarios where the short-term socioeconomic considerations were weighted higher (2b-c), the standard most important score (5) resulted in a 2% decrease from the preliminary probability, while the more extreme weighting (10) resulted in a 4% decrease. For the scenarios where the long-term socioeconomic considerations were weighted higher (2d-e), the standard most important score (5) resulted in a 2% increase from the preliminary probability while the more extreme weighting (10) resulted in a 4% increase. In all cases, the adjustments do not result in radical departures from reasonable probability levels. At the same time, the process creates a more refined and transparent representation of the Commission's risk policy in the management decision-making process.

Next Steps

The next step for the tautog pilot case is to report back to the ISFMP Policy Board on lessons learned. For tautog, the regional decision tools will be saved for potential consideration with future management actions.

Table 1: Tautog Regional Decision Tool Preliminary Probabilities (Probabilities without Socioeconomic Considerations) for Achieving F Target

Tautog Regional Decision Tool Preliminary Probabilities				
Region	MARI	LIS	NJ-NYB	DelMarVa
Amendment 1 Status Quo	50%			
Preliminary probabilities by region (probabilities without socioeconomic component)	54%	59%	61%	56%

Higher probabilities of achieving the F target have a lower risk of overfishing but will result in lower harvest limits.

Table 2: Tautog Regional Decision Tool Hypothetical Scenarios

Tautog Regional Decision Tool Hypothetical Scenarios								
Scenario	Socioeconomic Component Weightings				Regional Final Recommended Probabilities (All Components)			
	Commercial		Recreational		MARI	LIS	NJ-NYB	DelMarVa
	ST Weight	LT Weight	ST Weight	LT Weight				
Scenario 1: No change to harvest level								
1: Any weightings	*	*	*	*	54%	59%	61%	56%
Scenario 2: 5-10% change to harvest level								
2a: No change to weightings	0.09	0.09	0.10	0.10	54%	59%	61%	56%
2b: Short-term socioeconomic considerations (ST) most important (5); long-term (LT) least important (1)	0.16	0.03	0.16	0.03	52%	56%	59%	54%
2c: ST most important, with extra high weighting (10); LT least (1)	0.25	0.03	0.25	0.03	50%	55%	57%	52%
2d: ST least important (1); LT most (5)	0.03	0.16	0.03	0.16	56%	61%	63%	58%
2e: ST least important (1), LT most, with extra high weighting (10)	0.03	0.25	0.03	0.25	58%	62%	65%	60%

*If the change to the harvest level is 0, the socioeconomic component will be 0 regardless of the weightings

Atlantic States Marine Fisheries Commission
Preliminary Tautog Risk and Uncertainty Report

Produced for the 2021 Tautog Assessment Update

October 2021

The following report details the preliminary inputs for the Tautog Risk and Uncertainty Decision Tools. There are four decision tools, one for each tautog management region: Massachusetts – Rhode Island (MARI); Long Island Sound (LIS); New Jersey – New York Bight (NJ-NYB); and Delaware, Maryland, Virginia (DelMarVa). The report summarizes both technical inputs (scores) and weightings for the decision tools. The technical inputs characterize components of the tautog stock and fishery that may contribute to risk and uncertainty, while the weightings indicate the relative importance of each component to management considerations for tautog.

Preliminary Risk and Uncertainty Decision Tools for Tautog Management Regions

Decision Tool Component	MARI		LIS		NJ-NYB		DelMarVa	
	Weight	Score	Weight	Score	Weight	Score	Weight	Score
<i>Stock Status, scale: 0 to 1</i>								
P(SSB < SSB threshold)	0.13	0.000	0.13	0.003	0.13	0.491	0.13	0.085
P(SSB < SSB target)	0.10	0.069	0.10	0.528	0.10	0.947	0.10	0.378
P(F > F threshold)	0.13	0.000	0.13	0.259	0.13	0.239	0.13	0.000
P(F > F target)	0.11	0.000	0.11	0.754	0.11	0.722	0.11	0.012
<i>Additional Uncertainty Considerations, scale: 0 to 5</i>								
Model uncertainty	0.11	3.13	0.11	3.17	0.11	3.17	0.11	4.00
Management uncertainty	0.10	2.83	0.10	3.6	0.10	3.67	0.10	3.20
Environmental uncertainty	0.07	1.80	0.07	1.5	0.07	1.80	0.07	1.40
<i>Additional Risk Considerations, scale: 0 to 5</i>								
Ecosystem/trophic importance	0.06	0.80	0.06	1.00	0.06	1.00	0.06	1.40
<i>Socioeconomic Considerations, scale -5 to 5</i>								
Short-term commercial socioeconomic effect	0.09	*	0.09	*	0.09	*	0.09	*
Long-term commercial socioeconomic effect	0.09	*	0.09	*	0.09	*	0.09	*
Short-term recreational socioeconomic effect	0.10	*	0.10	*	0.10	*	0.10	*
Long-term commercial socioeconomic effect	0.10	*	0.10	*	0.10	*	0.10	*

*A portion of the socioeconomic scores will only be calculated if a management action will be initiated. See the Socioeconomic Considerations for further details and socioeconomic sub-scores.

Region: Massachusetts – Rhode Island (MARI)

The following technical inputs were provided by the Tautog Technical Committee.

Stock Status

All stock status inputs are based on the 2021 Tautog Assessment Update.

Spawning Stock Biomass (SSB) Threshold

Probability that SSB is less than the threshold (range: 0 – 1): 0.000

SSB Target

Probability that SSB is less than the target (range: 0 – 1): 0.069

F Threshold

Probability that fishing mortality (F) is more than the threshold (range: 0 – 1): 0.000

F Target

Probability that F is more than the target (range: 0 – 1): 0.000

Additional Uncertainty Considerations

Model Uncertainty

Score (range: 0 – 5): 3.13

Justification: The MRIP PSEs for the MARI region are high as it is a small region with a low intercept rate. There are two age 1+ fishery independent indices with long time series; however, they are trawl surveys, which are not ideal for tautog. Retrospective patterns were large but in a conservative direction, underestimating SSB and overestimating F . There were more significant overestimations of F in the retrospective patterns than underestimates of SSB. SSB and F have been fairly steady the past several years and continue to track total removals and fishery independent indices well. There are some concerns with the age structure as length-at-age estimates differed between MA and RI in recent years; while this is not a major concern, it adds some uncertainty. There was some patterning in residuals. Sensitivity runs did not change the stock status.

Management Uncertainty

Score (range: 0 – 5): 2.83

Justification: The recreational fishery accounts for approximately 95% of removals in the MARI tautog fishery by weight. MRIP estimates for the region have moderate to high PSEs, indicating limited ability to accurately estimate catch. As a result, there is limited capacity to regulate removals and assess recreational compliance. There are known issues with illegal and unreported harvesting in the region, however, the commercial tagging program was implemented to help combat these issues. There is a moderate to high level of fishing activity and interest in tautog from fishermen in the region. Stock status (not overfished, overfishing not occurring) and the lack of significant biomass fluctuations over the last 20 years indicate successful management.

Environmental Uncertainty

Score (range: 0 – 5): 1.80

Justification: Recruitment is steady and there is no evidence that recruitment is strongly influenced by environmental factors. Natural mortality is believed to be adequately accounted for in the assessment. There are no major concerns with habitat loss. Although Hare et al.

(2016) identified tautog as having a very high vulnerability to climate change, there is no clear, imminent risk of climate change to tautog. While prey dynamics are not accounted for in the model, prey dependence is low and it is likely that tautog are generalists. Predator dependence is also low, with no known species that preferentially target tautog (Bigelow and Schroeder 1953).

Additional Risk Considerations

Ecosystem/Trophic Importance

Score (range: 0 – 5): 0.80

Justification: Tautog is not a keystone predator. However, it does provide control of crab populations that prey on other shellfish and turnover of mussel populations. There are no known species that preferentially prey on tautog and there are no known interactions with threatened or endangered species. Tautog is not known to provide any important ecosystem services or support key ecosystem functions.

Socioeconomic Considerations

See socioeconomic considerations section below.

Region: Long Island Sound (LIS)

The following technical inputs were provided by the Tautog Technical Committee.

Stock Status

All stock status inputs are based on the 2021 Tautog Assessment Update.

SSB Threshold

Probability that SSB is less than the threshold: 0.003

SSB Target

Probability that SSB is less than the target: 0.528

F Threshold

Probability that fishing mortality (F) is more than the threshold: 0.259

F Target

Probability that F is more than the target: 0.754

Additional Uncertainty Considerations

Model Uncertainty

Score (range: 0 – 5): 3.17

Justification: The MRIP estimates have high PSEs, especially as a result of splitting New York between Long Island Sound and New York Bight. The interruptions to the recreational sampling surveys and fishery independent surveys in 2020 increase uncertainty. There is high uncertainty in catch and catch-at-age due to poor sample sizes. There is an age 1+ fishery independent index with a long time series; however, it is a trawl survey, which is not ideal for tautog. Overall, there are few biological observations. There are not enough catch and length observations for all modes, particularly: headboats (no length observations since 2016), spear fishing (no observations at all), and the commercial fleet (few observations). Length-age observations had to be borrowed from different years and different regions to fill out a minimal age-length key.

The retrospective patterns were large but in a conservative direction. The retrospective patterns fit within the 95% confidence intervals, however the percent difference in F is as high as 250% different from 2020. Percent different in SSB in the retrospective patterns is up to 30% different from 2020. Retrospective patterns in recruitment are distributed more evenly, some years overestimating some underestimating. Harvest is fairly variable.

Management Uncertainty

Score (range: 0 – 5): 3.60

Justification: The recreational fishery accounts for approximately 96% of tautog removals in the LIS region in weight. Tautog fishermen are poorly encountered by MRIP sampling and MRIP estimates for the region have moderate to high PSEs, indicating limited ability to accurately estimate catch. As a result, there is limited capacity to regulate removals and assess recreational compliance. In addition, there are difficulties with separating Long Island Sound catch from New York Bight catch for New York. There are significant concerns with illegal and unreported harvesting in the region, however, the commercial tagging program was implemented to help combat these issues. There is a high level of fishing activity and interest in tautog from fishermen in the LIS region.

Environmental Uncertainty

Score (range: 0 – 5): 1.50

Justification: Recruitment is steady and there is no evidence that recruitment is strongly influenced by environmental factors. Natural mortality is believed to be adequately accounted for in the assessment. Tautog requires structured habitat and moves from shallow to deep water for preferred water temperature and food (shellfish). There are no major concerns with habitat loss. Although Hare et al. (2016) identified tautog as having a very high vulnerability to climate change, there is no clear, imminent risk of climate change to tautog. While prey dynamics are not accounted for in the model, prey dependence is low and it is likely that tautog are generalists. Predator dependence is also low, with no known species that preferentially target tautog.

Additional Risk Considerations

Ecosystem/Trophic Importance

Score (range: 0 – 5): 1.00

Justification: Tautog is not a keystone predator. However, it does provide control of crab populations that prey on other shellfish and turnover of mussel populations. There are no known species that preferentially prey on tautog and there are no known interactions with threatened or endangered species. Tautog is not known to provide any important ecosystem services or support key ecosystem functions.

Socioeconomic Considerations

See socioeconomic considerations section below.

Region: New Jersey – New York Bight

The following technical inputs were provided by the Tautog Technical Committee.

Stock Status

All stock status inputs are based on the 2021 Tautog Assessment Update.

SSB Threshold

Probability that SSB is less than the threshold: 0.491

SSB Target

Probability that SSB is less than the target: 0.947

F Threshold

Probability that fishing mortality (F) is more than the threshold: 0.239

F Target

Probability that F is more than the target: 0.722

Additional Uncertainty Considerations

Model Uncertainty

Score (range: 0 – 5): 3.17

Justification: Changes in scale for SSB were seen with the new MRIP data, as expected; however, the overall trend tracks with the prior update. The MRIP estimates have high PSEs, especially as a result of splitting New York between Long Island Sound and New York Bight. There is high uncertainty in catch and catch-at-age due to poor sample sizes. There is an age 1+ fishery independent index with a long time series; however, it is a trawl survey, which is not ideal for tautog. In addition, there were uncertainties related to 2020 data, including: a high proportion of imputed estimates for the MRIP landings, interruptions to two surveys providing FI indices (NY DEC WLI seine survey had a delayed schedule and NJ DEP ocean trawl survey ceased operations for 2020), and commercial landings that may have been impacted by market disruptions due to COVID-19. Sensitivity runs showed little to no impact on F , however two models did influence SSB and recruitment and could result in stock status changes with regards to the final overfished determination. Retrospective patterns were apparent for SSB and F , but in a generally conservative direction. F was consistently overestimated, while SSB showed a smaller percent difference and showed both over and underestimation. Retrospective patterns for recruitment were also present, and a concern as the model was consistently overestimating recruitment. There were moderate residual patterns for F and SSB (overestimating F and underestimating SSB), but the Mohn's Rho adjusted estimates for these parameters were within the 95% CI of the model estimates.

Management Uncertainty

Score (range: 0 – 5): 3.67

Justification: Recreational removals account for approximately 95% of removals within the NJ – NYB region. Tautog fishermen are poorly encountered by MRIP sampling and MRIP estimates for the region have moderate to high PSEs, indicating limited ability to accurately estimate catch. As a result, there is limited capacity to regulate removals and assess recreational compliance. In addition, there are difficulties with separating LIS catch from NYB catch for New

York. There are significant concerns with illegal and unreported harvesting in the region, however, the commercial tagging program was implemented to help combat these issues. There is a high level of fishing activity and interest in tautog from fishermen in the NJ – NYB region.

Environmental Uncertainty

Score (range: 0 – 5): 1.80

Justification: Recruitment is steady and there is no evidence that recruitment is strongly influenced by environmental factors. Natural mortality is believed to be adequately accounted for in the assessment. Tautog requires structured habitat and moves from shallow to deep water for preferred water temperature and food (shellfish). There are no major concerns with habitat loss. There is no clear, imminent risk of climate change to tautog. Although Hare et al. (2016) identified tautog as having a very high vulnerability to climate change, there is no clear, imminent risk of climate change to tautog. While prey dynamics are not accounted for in the model, prey dependence is low and it is likely that tautog are generalists. Predator dependence is also low, with no known species that preferentially target tautog.

Additional Risk Considerations

Ecosystem/Trophic Importance

Score (range: 0 – 5): 1.00

Justification: Tautog is not a keystone predator. However, it does provide control of crab populations that prey on other shellfish and turnover of mussel populations. There are no known species that preferentially prey on tautog and there are no known interactions with threatened or endangered species. Tautog is not known to provide any important ecosystem services or support key ecosystem functions.

Socioeconomic Considerations

See socioeconomic considerations section below.

Region: Delaware – Maryland – Virginia

The following technical inputs were provided by the Tautog Technical Committee.

Stock Status

All stock status inputs are based on the 2021 Tautog Assessment Update.

SSB Threshold

Probability that SSB is less than the threshold: 0.085

SSB Target

Probability that SSB is less than the target: 0.378

F Threshold

Probability that fishing mortality (F) is more than the threshold: 0.000

F Target

Probability that F is more than the target: 0.012

Additional Uncertainty Considerations

Model Uncertainty

Score (range: 0 – 5): 4.00

Justification: Retrospective patterns are in a risky direction, i.e., F was consistently underestimated and SSB was overestimated. However, the percent difference for F has been decreasing in more recent years. SSB has been overestimated to a larger scale than the underestimations in F . Retrospective patterns in recruitment are varied and less of a concern. There is high uncertainty in MRIP recreational catch estimates for individual states, including a number of years with CVs > 50%, due to low intercept rates for tautog. The only index of abundance is MRIP CPUE and there is potential underestimation of CV in recreational CPUE. There are large blocks of years with consistently negative or positive residuals in index and catch model fits. In addition, there is no fishery independent index for the region. Because of the lack of indices, there were limited sensitivity runs that could be conducted. Some runs were completed testing starting values and CVs, none of which resulted in changes to stock status.

Management Uncertainty

Score (range: 0 – 5): 3.20

Justification: The DelMarVA tautog fishery is almost exclusively recreational, with 99% of removals by weight coming from the recreational fishery. MRIP estimates for the region have high PSEs, indicating limited ability to accurately estimate catch. As a result, there is limited capacity to regulate removals and assess recreational compliance. There are known issues with illegal and unreported harvesting in the region, however, the commercial fishery is an extremely small component of the overall removals and the commercial tagging program was implemented to help combat these issues. There is a low level of fishing activity and interest in tautog from fishermen in the DelMarVa region.

Environmental Uncertainty

Score (range: 0 – 5): 1.40

Justification: Recruitment is steady and there is no evidence that recruitment is strongly influenced by environmental factors. Natural mortality is believed to be adequately accounted for in the assessment. Tautog requires structured habitat and moves from shallow to deep water for preferred water temperature and food (shellfish). There are no major concerns with habitat loss. Although Hare et al. (2016) identified tautog as having a very high vulnerability to climate change, there is no clear, imminent risk of climate change to tautog. While prey dynamics are not accounted for in the model, prey dependence is low and it is likely that tautog are generalists. Predator dependence is also low, with no known species that preferentially target tautog.

Additional Risk Considerations

Ecosystem/Trophic Importance

Score (range: 0 – 5): 1.40

Justification: Tautog is not a keystone predator. However, it does provide control of crab populations that prey on other shellfish and turnover of mussel populations. There are no known species that preferentially prey on tautog and there are no known interactions with

threatened or endangered species. Tautog is not known to provide any important ecosystem services or support key ecosystem functions.

Socioeconomic Considerations

See socioeconomic considerations section below.

Socioeconomic Considerations

The following technical inputs were provided by the Committee on Economics and Social Sciences (CESS). After comparing regional data, the CESS decided to provide a single coastwide score for each socioeconomic component. The data examined (tautog landings as a proportion of total landings, tautog ex-vessel value as a proportion of total ex-vessel value, proportion of removals from the recreational vs. commercial fishery) did not indicate major concerns with heterogeneity and providing a coastwide score would be consistent with the socioeconomic criteria.

Commercial Value

Score (range: 0 – 5): 2

Justification: The average (2018-2020) ex-vessel value of tautog from Virginia to Massachusetts was \$1,383,049 in 2020 dollars. This indicates a score of “low” based on the socioeconomic criteria.

Commercial Community Dependence

Score (range: 0 – 5): 4

Justification: The average (2018-2020) commercial community dependence for the top ten communities was 35.1%, indicating a score of “high” based on the socioeconomic criteria. The top ten communities were determined based on the ports with the ten highest average tautog landings (2018-2020). Community dependence, calculated as the annual value of tautog landings as a proportion of the value of landings for all species for that port, was produced for each of the top ten communities.

Recreational Desirability

Score (range: 0 – 5): 3

Justification: The average (2018-2020) recreational desirability was 2.4%, indicating a “moderate” score based on the socioeconomic criteria. Recreational desirability is calculated as the total coastwide (Virginia to Massachusetts) annual targeted trips for tautog (primary or secondary target) as a percentage of total trips for all species.

Recreational Community Dependence

Score (range: 0 – 5): 2

Justification: The average (2018-2020) recreational community dependence for the top ten communities was 7.2%, indicating a score of “low” based on the socioeconomic criteria. The top ten communities were determined based on the counties with the ten highest average (2018-2020) tautog targeted trips. Community dependence, calculated as the annual number of

tautog targeted trips as a proportion of all trips for that county, was produced for each of the top ten communities.

Commercial Short-term Management Change

Score (range: 0 – 1; + or – depending on direction of effect):

To be calculated if management actions are initiated.

Commercial Long-term Management Change

Score (range: 0 – 1; + or – depending on direction of effect):

To be calculated if management actions are initiated.

Recreational Short-term Management Change

Score (range: 0 – 1; + or – depending on direction of effect):

To be calculated if management actions are initiated.

Recreational Long-term Management Change

Score (range: 0 – 1; + or – depending on direction of effect):

To be calculated if management actions are initiated.

Preliminary Decision Tool Weightings

The following weightings were produced based on Tautog Management Board input. The Board provided input on priorities for risk considerations in tautog management via a webinar poll and survey. Each component of the Risk and Uncertainty Decision Tool was scored on a scale of 1 to 5, where 1 = this component is much less important than other components, 3 = this component is equally important as other components, and 5 = this component is much more important than other components. Responses were averaged and converted to the weighting scale.

Component	Score	Weight
SSB Threshold	4.14	0.13
SSB Target	3.14	0.10
F Threshold	4.14	0.13
F Target	3.43	0.11
Model Uncertainty	3.50	0.11
Management Uncertainty	3.21	0.10
Environmental Uncertainty	2.29	0.07
Ecosystem Importance	1.79	0.06
Commercial Short-term	2.93	0.09
Commercial Long-term	3.00	0.09
Recreational Short-term	3.14	0.10
Recreational Long-term	3.29	0.10

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Hare JA, Morrison WE, Nelson MW, Stachura MM, Teeters EJ, et al. 2016. A Vulnerability Assessment of Fish and Invertebrates to Climate Change on the Northeast U.S. Continental Shelf. PLOS ONE 11(2): e0146756. <https://doi.org/10.1371/journal.pone.0146756>

DRAFT Atlantic Croaker Fish Habitats of Concern Designation

FHOCs for juvenile Atlantic croaker include low salinity estuarine habitats along the Atlantic coast in early spring, to higher salinity estuarine habitats in summer and early fall, in areas with mud and detrital bottoms rich in benthic prey and dissolved oxygen (DO) levels consistently higher than 2.0 mg/L. Estuaries such as Pamlico Sound and Chesapeake Bay serve as important nursery and spawning areas (Schloesser and Fabrizio 2018). Adult Atlantic croaker are also dependent upon estuarine habitat in spring through fall, in areas with salinities ranging from 3-27 ppt and DO greater than 2.0 mg/L, but are less limited than juveniles by bottom substrate type due to an ontogenetic diet shift.

Along the Atlantic coast, juvenile Atlantic croaker are typically found in estuaries. Young of the year (YOY) less than 50 mm TL inhabit low salinity or upriver areas (Haven 1957; Dahlberg, 1972; Chao and Musick 1977; White and Chittenden 1977; Miller et al. 2003). Juveniles are positively correlated with mud bottoms that have large amounts of detritus and high amounts of benthic prey (Cowan and Birdsong 1985). Juveniles migrate downstream as they develop; by late fall, most juveniles emigrate out of the estuaries to coastal ocean habitats (Migliarese et al. 1982). In spring (after spending winter in the coastal ocean) through fall, adult Atlantic croaker are found in estuaries over muddy and sandy substrates, seagrass beds, and near oyster, coral and sponge reefs (White and Chittenden 1977; TSNL 1982).

Studies have shown that Atlantic croaker are virtually absent from waters with DO levels below 2.0 mg/L, suggesting they are very sensitive to the amount of DO present (Eby and Crowder 2002), which can become a factor that limits habitat quantity and quality in the warmer summer months in estuarine systems that experience nutrient enrichment and eutrophication issues. Bottom-tending fishing gear may also impact Atlantic croaker FHOCs (Able et al. 2017, Odell et al. 2017).

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Atlantic States Marine Fisheries Commission

Assessment Science Committee Report

The Assessment Science Committee (ASC) met on May 17th, 2022 to address several agenda items, including assessment training workshops, the red drum simulation assessment, and revising the ASMFC stock assessment schedule.

Revised ASMFC Stock Assessment Schedule

The following proposed changes were made to the ASMFC Stock Assessment Schedule since the previous schedule was approved by the ISFMP Policy Board in August 2021:






- **Black sea bass:** the research track assessment shifted from a Fall 2022 completion date to Spring 2023, which will be followed by a management track assessment in June 2023.
- **Tautog:** a tentative assessment update was added to the schedule in 2024.
- Assessments for 2025 and 2026 were added to the schedule, including:
 - **American lobster:** benchmark assessment in 2025
 - **Atlantic menhaden:** single-species and ecological reference points assessment in 2025
 - **Atlantic sea herring:** SARC research track assessment in 2025; management track assessment in 2026
 - **Striped bass:** assessment update in 2026
 - Note: the next benchmark assessment is scheduled for 2027
 - **Black sea bass:** management track assessment in 2025
 - **Bluefish:** management track assessment in 2025
 - **Cobia:** SEDAR benchmark assessment in 2025
 - **Spiny dogfish:** management track assessment in 2026
 - **Summer flounder:** management track assessment in 2025
 - **Weakfish:** tentative assessment update in 2025
 - **Winter flounder:** research track assessment in 2026

DRAFT Long-Term Stock Assessment Schedule (Updated May 2022)

Species	2018	2019	2020	2021	2022	2023	2024	2025	2026
American Eel					ASMFC				
American Shad			ASMFC						
American Lobster			ASMFC					ASMFC	
Atlantic Croaker							ASMFC		
Atlantic Menhaden		SEDAR			Update			SEDAR	
Atl. Menhaden ERPs		SEDAR						SEDAR	
Atlantic Sea Herring	SARC - Spring		Management		Management		Management	SARC - Spring	Management
Atlantic Striped Bass	SARC - Fall				Update		Update		Update
Atlantic Sturgeon							ASMFC		
Black Drum					ASMFC				
Black Sea Bass	Update	Operational		Management		SARC - Spring		Management	
Bluefish	Update	Operational		Management	SARC - Fall	Management		Management	
Coastal Sharks			SEDAR			SEDAR			
Cobia		SEDAR						SEDAR	
Horseshoe Crab		ASMFC					Update		
Horseshoe Crab ARM				ASMFC					
Jonah Crab						ASMFC			
Northern Shrimp	ASMFC			Update			Update		
Red Drum					ASMFC		SEDAR		
River Herring						ASMFC			
Scup	Update	Operational		Management		Management			
Spanish Mackerel					Operational				
Spiny Dogfish	Update				SARC - Fall				Management
Spot							ASMFC		
Spotted Seatrout									
Summer Flounder	SARC - Fall			Management		Management		Management	
Tautog				Update			<i>*Update</i>		
Weakfish		Update						<i>*Update</i>	
Winter Flounder			Management			Management	Management		SARC - Spring

Notes:

Coastal Sharks Hammerhead benchmark assessment 2023
 Spotted Seatrout States conduct individual assessments
 Striped Bass 2027 Benchmark Assessment

	ASMFC Peer Review
	Spring SARC Review (June; Research Track)
	Fall SARC Review (November; Research Track)
	SEDAR Peer Review (Research Track)
	Completed

**Italics = under consideration, not officially scheduled*

NOAA Fisheries Invites Public Comment on New Draft Equity and Environmental Justice Strategy

NOAA Fisheries invites feedback on our draft [Equity and Environmental Justice Strategy](#). Comments are due August 31, 2022.

Frequently Asked Questions (FAQs)

What is NOAA Fisheries' draft Equity and Environmental Justice (EEJ) Strategy?

NOAA Fisheries' draft EEJ Strategy provides a framework to incorporate EEJ into our daily activities. It identifies step-down implementation plans at the regional level; seeks to remove barriers to EEJ; and seeks to promote equity in all we do at NOAA Fisheries.

Who/what are the driving forces behind the development of this draft strategy?

NOAA Fisheries' draft EEJ Strategy builds on executive orders promoting equity, recommendations from the White House Environmental Justice Advisory Council, action items from the Department of Commerce Equity Action Plan, and guidance from the NOAA Climate Council. In addition, this strategy is driven by strong support from NOAA Fisheries' leadership, enthusiastic staff participation, and a clear and growing need from underserved communities.

Is this strategy a new effort within NOAA Fisheries?

No, this strategy builds on NOAA Fisheries' previous equity and environmental justice efforts to provide guidance for incorporating and prioritizing EEJ in ongoing and future activities in support of the NOAA Fisheries' mission.

Have Tribal Nations been consulted?

Yes, early in the process, we held two consultation webinars open to members of Tribal Nations.

Does NOAA Fisheries' have the budget resources to support implementation of this strategy?

Many of the actions contained in this strategy can be accomplished within current resources. Some cannot be. That is why the President included a specific request for additional funding for NOAA Fisheries for Equity and Environmental Justice work in both his FY 2022 and FY 2023 proposed budgets. So while some actions can be taken immediately, others will depend on Congressional funding of the President's FY 2023 budget and may not be implementable in the near term. Some would take even longer to implement. The actions we are able to take immediately will be identified in the implementation plans.

What's NOAA Fisheries EEJ Working Group and what's its focus?

To advance our commitment to EEJ, NOAA Fisheries convened the Equity and Environmental Justice Working Group (EEJ WG). This group includes members from Headquarters, Regional Offices, and Science Centers. The EEJ WG's charge is to:

- Provide input on Fisheries' responses to executive orders and NOAA requests focused on equity, environmental justice, and support for underserved communities;
- Share information about Fisheries' efforts to embed EEJ into our external and programmatic work; and
- Create a strategy that identifies current initiatives, envisions a more equitable future, and outlines a roadmap to that goal.

What are NOAA Fisheries' current EEJ initiatives?

Within NOAA Fisheries, at least 167 programs or initiatives promote EEJ. These efforts include:

- **Empowering Environment:** Activities that provide the institutional support, including training and resources, needed to implement multiple EEJ approaches at NOAA Fisheries.
- **Policy & Plans:** Activities that ensure that our policies promote equal opportunities for all and do not create unintended inequities or unequal burdens for underserved communities.
- **Research & Monitoring:** Activities that identify underserved communities, address their needs, and assess impacts of management decisions.
- **Outreach & Engagement:** Activities that build relationships with underserved communities to better understand their needs, and improve information sharing with all stakeholders.
- **Benefits:** Activities that distribute benefits equitably among stakeholders by increasing the access to opportunities for underserved communities.
- **Inclusive Governance:** Activities that support the meaningful involvement of underserved communities in the decision-making processes.

What are the Executive Orders that promoted NOAA Fisheries to form the EEJ working group?

There are 4 Executive Orders we are responding to:

- EO 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- EO 14008: Tackling the Climate Crisis at Home and Abroad
- EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
- EO 13175: Consultation and Coordination With Indian Tribal Governments

How are you defining ‘equity’?

As defined in Executive Order 13985, equity means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

How are you defining ‘environmental justice’?

Environmental Justice is the fair treatment and meaningful involvement of all people, regardless of race, color, gender, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies including but not limited to:

- Equitable protection from environmental and health hazards;
- Equitable access to decision-making processes;
- Equitable opportunity for disadvantaged communities that have been historically marginalized.

How are you defining ‘underserved communities’?

Underserved communities have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. These include geographic communities as well as populations sharing a particular characteristic such as: women and girls; Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color; persons facing discrimination or barriers related to gender identity; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons

who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

Is this effort just a re-branding of existing activities?

No, this national strategy describes the path that NOAA Fisheries will take to incorporate EEJ into the vital services we provide to all stakeholders.

The Draft Equity and Environmental Justice Strategy may be found online at the NOAA Fisheries website at: <https://www.fisheries.noaa.gov/feature-story/noaa-fisheries-invites-public-comment-new-draft-equity-and-environmental-justice>.



**NOAA
FISHERIES**

NOAA Fisheries

Equity and Environmental Justice Strategy

Executive Summary

NOAA Fisheries endeavors to serve stakeholders equitably by engaging underserved communities in the science, conservation, and management of the nation's ocean resources and their habitat. This national strategy builds on NOAA Fisheries' previous equity and environmental justice efforts to provide guidance for incorporating and prioritizing EEJ in ongoing and future activities in support of NOAA Fisheries' mission.

NOAA Fisheries' science, conservation, and management activities serve a diverse array of communities across the United States and Territories. Recognizing that not all communities have equal opportunities and access to NOAA Fisheries' services, we identified three overarching goals (Table 1). This national strategy requires step-down implementation plans and annual progress reports to ensure improvements in five core areas: Policy, Research, Outreach, Benefits, and Governance. A sixth core area, Empowering Environment, provides agency staff with the support and tools necessary to implement changes (Table 1).

Identifying and recognizing underserved communities, as well as addressing access barriers they face, will allow NOAA Fisheries to more equitably and effectively serve all communities. Focusing on these six core objectives will provide more equitable stewardship of the nation's ocean resources and their habitat.

This national strategy is the result of guidance from recent Executive Orders, the Department of Commerce's Equity Action Plan, NOAA's Climate Council and NOAA Fisheries' leadership, as well as enthusiastic staff participation and a clear and growing need indicated by underserved communities. To be clear, it does not condone business as usual and is not a rebranding of existing activities. Rather, this national strategy describes the path that NOAA Fisheries will take to incorporate EEJ into the vital services we provide to all stakeholders.

Table 1. NOAA Fisheries’ three overarching goals and six core EEJ objectives

NOAA Fisheries’ Equity and Environmental Justice Goals				
Prioritize identification, equitable treatment, and meaningful involvement of underserved communities.	Provide equitable delivery of services.	Prioritize EEJ in our mandated and mission work.		
Objectives				
<p>Empowering Environment: Provide the institutional support, including training and resources, needed to implement multiple EEJ approaches at NOAA Fisheries. Internal leadership and management will identify EEJ as priorities and encourage staff to consider EEJ in every aspect of their work.</p>				
<p>Incorporate Equity and Environmental Justice in Policy and Plans: Ensure that our policies promote equal opportunities for all and do not create unintended inequities or unequal burdens for underserved communities.</p>	<p>Equity in Research and Researching Equity: Identify underserved communities, address their needs, and assess impacts of management decisions.</p>	<p>Outreach and Engage Equitably: Build relationships with underserved communities to better understand their needs, and improve information sharing with all stakeholders.</p>	<p>Equitably Distribute Benefits: Distribute benefits equitably among stakeholders by increasing the access to opportunities for underserved communities.</p>	<p>Inclusive Governance: Provide for the meaningful involvement of underserved communities in the decision-making processes.</p>

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List of Acronyms

CERCLA: Comprehensive Environmental Response, Compensation and Liability Act

DOC: Department of Commerce

EEJ: Equity and Environmental Justice

EJ IWG: Federal Interagency Working Group on Environmental Justice

ESA: Endangered Species Act

HMS: Highly Migratory Species

IN FISH!: Inclusive NOAA Fisheries Internship Program

LGBTQ+: lesbian, gay, bisexual, transgender, and queer

MMPA: Marine Mammal Protection Act

MREP: Marine Resource Education Program

MSA: Magnuson–Stevens Fishery Conservation and Management Act

NCBO: NOAA Chesapeake Bay Office

NEPA: National Environmental Policy Act

NMFS: National Marine Fisheries Service

NOAA Fisheries: National Oceanic and Atmospheric Administration National Marine Fisheries Service

OHC: Office of Habitat Conservation

OPA: Oil Pollution Act

PDS: Policy Directive System

TEK: Traditional Ecological Knowledge

Introduction

This national strategy provides guidance for incorporating and prioritizing equity and environmental justice (EEJ) in ongoing and future activities in support of NOAA Fisheries’ mission. While NOAA Fisheries’ work has incorporated elements of EEJ, our efforts to date have not met the scope, magnitude, and duration of the challenges facing underserved communities. In 2021, President Biden signed Executive Orders 13985 and 14008 to promote equity and environmental justice within the federal government and its external-facing efforts. In response, the FY22-26 Department of Commerce’s Strategic Plan revised its mission, “to create the conditions for economic growth and opportunity for all communities,” and published its Equity Action Plan. NOAA Fisheries responded by convening an EEJ Working Group to improve information sharing, coordinate internal expertise, and to inform implementation of EEJ. The EEJ Working Group identified current EEJ activities (described in detail in Appendix 1) and developed this document as a framework for embedding EEJ into everything NOAA Fisheries does, on a daily basis, to fulfill our mission to provide vital services equitably for the entire nation. Implementing this strategy requires the participation of the NOAA Fisheries’ entire workforce and all offices and programs. While there is much we can do without additional funds, significant progress will require additional funds, as requested in the FY23 Budget Request.

Definitions

NOAA Fisheries adopts the following definitions:

Environmental Justice is the fair treatment and meaningful involvement of all people, regardless of race, color, gender, sexual orientation, national origin, religion, disability, or income during development, implementation, and enforcement of environmental laws, regulations, and policies, including but not limited to:

- Equitable protection from environmental and health hazards;
- Equitable access to decision-making processes; and
- Equitable opportunity for underserved communities that have been marginalized.*

Equity is the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.**

*Meaningful Involvement** means:

- Stakeholders have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- The public's contribution informs NOAA Fisheries' decisions;
- Community concerns will be considered in the decision making process; and
- Decision makers will seek out and facilitate the involvement of those potentially affected.

*Stakeholders** are individuals or representatives from organizations or interest groups that have a strong interest in NOAA Fisheries' work and policies.

*Public** is the general population of the United States. Many segments of "the public" may have a particular interest in or may be affected by NOAA Fisheries programs and decisions.

Underserved Communities, as defined by Executive Order 13985, refers to communities that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. These include geographic communities as well as populations sharing a particular characteristic, history or identity. Adapting EO 13985 these groups could include but are not limited to: women and girls; Black, Latino, and Indigenous and Native American persons***, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. Specific to the fisheries context, underserved groups within fishing communities may include, for example, subsistence fishery participants and their dependents, fishing vessel crews, and fish processor and distribution workers. Finally, territorial fishing communities (which include American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) may also be categorized as underserved. Underserved communities will vary by region, and by the barriers they face. Furthermore, many of these community categories intersect. Hence identification of, and meaningful involvement with underserved communities will be a regionally specific and an on-going process that will require long-term commitment.

Climate Change is the long-term shift in oceanic and atmospheric conditions, resulting in increased temperature, sea level rise, and changes in weather patterns like drought, flood, and storm frequency/duration. NOAA identifies climate change as an EEJ issue because its impacts are unevenly experienced across the nation: long-standing socioeconomic inequities can make underserved communities, who often have the highest exposure to hazards and the fewest resources to respond, more vulnerable. As described in the NOAA Fisheries’ Climate Science Strategy Five Year Progress Report (2021), fishing communities may be especially vulnerable to sea level rise, loss of catch abundance and diversity, and the resulting impacts to their local economy.

Diversity, Equity, Inclusion, and Accessibility

NOAA Fisheries strives to eradicate discrimination in our programs and policies, identify and reduce barriers to equity, and be inclusive of all communities affected by NOAA Fisheries’ work. This EEJ Strategy focuses on advancing environmental justice and equitably serving all underserved communities through NOAA Fisheries’ externally facing services and policies. Successful implementation of this strategy will depend, in part, on continued progress toward a diverse and inclusive NOAA Fisheries workforce. NOAA Fisheries’ internal diversity, equity, inclusion and accessibility efforts focus on cultivating a diverse workforce to reflect, understand, and respond to the varied communities we serve, including underserved communities, as described in the [NOAA Fisheries Diversity and Inclusion Strategic Plan](#) for 2022-2025 and as outlined in [Executive Order 14035](#). Here, diversity encompasses national origin, language, race, color, abilities, ethnicity, gender, age, religion, and sexual orientation, among other factors. Inclusion refers to equitable treatment, access, opportunity and advancement of all employees.

* adapted from the [Environmental Protection Agency](#)’s definition

**as defined by [Executive Order 13985](#)

***The United States federal government has specific guidelines for relationships with federally recognized Tribes. This Equity and Environmental Justice Strategy does not revise or impact that responsibility in any way. See [Executive Order 13175](#) (Consultation and Coordination With Indian Tribal Governments), which directs federal agencies to “have an accountable process to ensure meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.” See also [NOAA Procedures for Government-to-Government Consultation with Federally Recognized Indian Tribes and Alaska Native Corporations](#) which guides NOAA Fisheries’ work with federally recognized Tribes.

NOAA Fisheries’ Stewardship Mission

NOAA Fisheries¹ is responsible for the stewardship of the Nation’s ocean resources and their habitats. Backed by robust science, NOAA Fisheries provides vital services for the Nation, including ensuring productive and sustainable fisheries, safe sources of seafood, conservation and recovery of protected resources, and ecosystem protection and restoration. NOAA Fisheries’ work directly impacts the economic opportunities, health, and environment of many communities—including underserved communities.

Mandates for Equity and Environmental Justice

Government programs and policies can play a large role in advancing environmental justice and the equitable distribution of services to individuals, families, businesses, and communities. Recognizing this, executive orders have

¹ Known informally as NOAA Fisheries, the official name of the agency in legislation and regulations is the National Marine Fisheries Service (NMFS).

been issued to promote EEJ within the federal government and guide the way NOAA Fisheries and other federal agencies implement their mission. EEJ are a priority for the Administration, and several interagency groups are updating metrics, definitions, and approaches that will be incorporated into this strategy as they become available.

Signed in 2021, [Executive Order 13985](#) (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) states

...the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

Also signed in 2021, [Executive Order 14008](#) (Tackling the Climate Crisis at Home and Abroad) directs Federal agencies to

make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts.

The White House Environmental Justice Advisory Council was established under Executive Order 14008. The EJ Advisory Council recommends that each agency create an EJ Scorecard to track regulatory impacts on and benefits to disadvantaged communities. EJ Scorecard recommendations include: evaluating access to and distribution of benefits; tracking Federal funding; establishing iterative and bidirectional feedback; engaging agency staff; documenting potential burdens; and identifying short- and long-term goals.

[Executive Order 12898](#) (Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations), signed in 1994, directs each federal agency, “[t]o the greatest extent practicable and permitted by law...” to identify and address, as appropriate, the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations.

The Department of Commerce Equity Action Plan (2022) lays the foundation for programing and policies that will reach a larger and more diverse audience and address key barriers to economic success for historically underserved communities. The goals of the plan include: making services, science, and data more accessible to underserved communities; ensuring that benefits and funding advance racial equity and support underserved communities; and providing economic opportunities for underserved communities by institutionalizing equity in the long-term. These goals require systems to collect quantitative and qualitative data to measure progress on equity and a more diverse, inclusive, equitable, and accessible workplace.

The DOC Environmental Justice Strategy (2012) outlined the following “Guiding Environmental Justice Principles”:

- The public should be afforded meaningful opportunities to participate in the formulation, design and execution of Departmental programs, policies and activities;

- Tribes shall, on a government-to-government basis, be afforded regular and meaningful consultation and collaboration opportunities in the development of Department policies that have Tribal implications (see Executive Order 13175).
- All populations should share in (and are not excluded from) benefits of Departmental programs, policies and activities affecting human health or the environment.
- No populations should be affected in a disproportionately high and adverse manner by agency programs, policies or activities affecting human health or the environment.
- The Department will engage in environmental justice activities in a transparent and accountable manner.

In addition to these mandates, EEJ are also encouraged and prioritized under a number of federal statutes that govern NOAA Fisheries' work with some underserved communities (described in detail in Appendix 2). Provisions of these laws either explicitly encourage EEJ or allow NOAA Fisheries to address EEJ at our discretion in conformance with our existing authorities in our planning, policies, and regulations, as we fulfill our conservation and management mandates. NOAA Fisheries strives to make decision-making processes accessible and transparent to the public and to help stakeholders understand and engage in federal decisions that could impact their livelihoods and communities.

Barriers to Equity and Environmental Justice

As stewards of the nation's ocean resources and habitats, NOAA Fisheries' work affects underserved communities dependent on marine ecosystems for environmental, economic, social, and cultural well-being. However, underserved communities experience barriers to fair treatment and meaningful involvement in NOAA Fisheries' work. The barriers faced by underserved communities are often interrelated but vary by community history, characteristics, and need. Below, we have identified some common barriers.

1. Unawareness of underserved communities

The first barrier to EEJ within NOAA Fisheries is that we have not fully identified the underserved communities that are impacted by our work. This oversight affects who are considered NOAA Fisheries stakeholders, who research and monitoring are tailored for, and who are aware of and receive services. Without recognition of underserved communities, their needs cannot be documented or addressed.

2. Structural barriers

Underserved communities may face structural barriers (e.g., laws, regulations, and policies) that prevent equitable access to resources and/or NOAA Fisheries' services. For example, criteria for allocation of resources may be based on historical ownership, creating services for the largest number of people, generating the greatest net benefits, or prioritizing commercial segments of fisheries, which may exclude underserved communities.

3. Barriers to accessing services

Underserved communities can experience barriers to accessing NOAA Fisheries' services due to language differences or difficulties attending NOAA meetings due to venues, times, or travel costs. Furthermore, mandates and management protocols may be counter to cultural decision-making and allocation practices of some underserved communities.

4. System complexity

The complexity of accessing federal services can inhibit inclusion of stakeholders, especially those who have not previously received such services. Benefit application systems may be difficult to navigate and require special knowledge.

5. Gaps in expertise

Our ability to identify, characterize, and serve all communities equitably requires prioritizing research conducted by anthropologists, sociologists, geographers, economists, and interdisciplinary social scientists. Similarly, education and outreach staff are limited and do not have the resources to engage with all communities on all issues. We also don't have staff geographically located and with the cultural and language literacy needed to engage many of our underserved communities.

6. Gaps in representation

Underserved communities are not well represented on the regional Fisheries Management Councils established under MSA or the advisory panels associated with those councils. Underserved communities are also not well represented in the NOAA Fisheries workforce, leading to the lack of awareness discussed above and crucial gaps in perspectives. Staff may unconsciously prioritize their own communities because of familiarity, easy access, and pre-existing communication paths.

NOAA Fisheries' Approach to EEJ

To address the barriers faced by underserved communities, the NOAA Fisheries' EEJ Working Group developed a framework that includes long-term goals and short-term objectives, as recommended by the White House EJ Advisory Council. These goals and objectives interact to create the capacity and accountability processes necessary to advance EEJ within the agency, as encouraged in the DOC Equity Action Plan.

Long-term Goals

1. Prioritize identification, equitable treatment, and meaningful involvement of underserved communities.
2. Provide equitable delivery of NOAA Fisheries' services.
3. Prioritize EEJ in our mandated and mission work.

To achieve these goals, each national program (e.g., Office of Protected Resources, Office of Habitat Conservation, etc.) and geographic region (e.g., Southeast, Pacific Islands, etc.) will create an EEJ step-down implementation plan (possibly as part of their [NOAA Fisheries Geographic Strategic Plans](#) for FY 2023–2028) that is specific and responsive to the needs of underserved communities and allows for the input of underserved communities. Each program, science center, and regional office will set EEJ as Priority Areas or milestones in annual strategic planning starting in FY2023. National program offices will coordinate with regional offices and science centers to establish ownership for shared goals. Implementation plans will include metrics describing EEJ actions, and progress will be publicly reported annually. To track progress toward our goals, NOAA Fisheries will evaluate these annual reports using an EEJ Scorecard that includes the metrics recommended by the White House EJ Advisory Council (e.g., access to and distribution of benefits and funding, feedback from underserved communities, tracking of federal funding; staff engagement, and documentation of regulatory burdens). These metrics are currently under review within the federal government; upon availability, the final metrics will be incorporated into NOAA Fisheries' EEJ Scorecard.

Short-term Objectives

To provide consistency in the development of regional or programmatic plans, the NOAA Fisheries' EEJ Working Group has identified six EEJ objectives (Table 1). In the sections below, we explain each objective and its role in NOAA Fisheries' commitment to EEJ and provide guiding questions to consider when developing regional or programmatic plans for NOAA Fisheries day-to-day work. Many of these questions demonstrate the need for additional EEJ work in a particular area. These needs are reflected in a summary of actions, metrics, and resources needed to implement each objective. These EEJ metrics will be updated if further guidance is provided by the White House EJ Advisory Council, DOC, and NOAA.

Empowering Environment

Objective: Provide the institutional support, including training and resources, needed to implement multiple EEJ approaches at NOAA Fisheries. Internal leadership and management will identify EEJ as a priority and encourage staff to consider EEJ into every aspect of their work.

To implement this strategy, it is imperative that leadership and management create an empowering environment. This means identifying EEJ as priorities by enabling employees to meaningfully integrate EEJ considerations into their day-to-day work and supporting this through increasing expertise on EEJ within the NOAA Fisheries' workforce. As stated by the White House EJ Advisory Council, "Agency and administrative professional culture should encourage and incentivize staff to reflect and share lessons learned." This will also be supported by a multiscale approach including the continued work of the national NOAA Fisheries' EEJ Working Group, as well as regional EEJ working groups to develop regionally specific plans.

Basic needs shared across multiple objectives include:

- EEJ Training
- Staff time
- Staff expertise
- Community Liaisons
- Demographic data collection, analysis, and reporting
- Support collaboration with other agencies
- Language translation services

Guiding Questions

- How can NOAA Fisheries' leadership and workforce better reflect the diversity of the communities we serve?
- How should we diversify the disciplinary expertise necessary for addressing EEJ in our work?
- Are staff given adequate time, resources, training, and expertise guidance to incorporate EEJ into their work?
- What accountability structures does NOAA Fisheries need, e.g. a commitment to monitoring and evaluation of EEJ metrics and the incorporation of EEJ work into performance plans?
- What data and resources do staff need to identify underserved communities impacted by their work, as well as the training and tools needed to promote EEJ in that work?

Table 2: Empowering Environment, Action Areas, and Proposed Metrics

Action	Possible Mechanisms/Metrics	Resources Needed
<p>1. Leadership at every level communicates about EEJ to staff and prioritizes EEJ in NOAA Fisheries strategic plans and annual priorities documents</p>	<ul style="list-style-type: none"> • Number of programs with an EEJ milestone • Percentage of milestones reached 	<ul style="list-style-type: none"> • Leadership support • EEJ training
<p>2. Include EEJ collateral duty roles into the performance plans of applicable staff, including metrics for accountability</p>	<ul style="list-style-type: none"> • Percentage applicable staff with EEJ included in performance plans • EEJ work included in promotion scoring criteria for appropriate staff 	<ul style="list-style-type: none"> • Leadership support • Suggested language
<p>3. Include EEJ collateral duty roles into the performance work statements of contracts with work that interfaces with external stakeholders, including metrics for accountability</p>	<ul style="list-style-type: none"> • Percentage of applicable contracts with EEJ included in performance work statements 	<ul style="list-style-type: none"> • Leadership, project officer, and contracting staff support • Suggested language
<p>4. Provide engaging and meaningful training opportunities targeted at staff and leadership to help build a shared understanding of the concepts of EEJ and how to implement these concepts in their work. (Such as the Environmental Protection Agency’s “Environmental Justice Learning Center”)</p>	<ul style="list-style-type: none"> • Number and percentage of staff trained 	<ul style="list-style-type: none"> • EEJ training materials and/or funds for trainer • Current staff time
<p>5. Support continuation of the NOAA Fisheries’ national EEJ Working Group, with representation from each sub-office. The Working Group should continue to meet to share information about successful approaches, collaborate on outreach and inclusion of common constituencies, and guide NOAA Fisheries’ decision-making.</p>	<ul style="list-style-type: none"> • Number of offices represented at regular meetings 	<ul style="list-style-type: none"> • Current staff time
<p>6. Establish Regional/Program EEJ Working Groups</p>	<ul style="list-style-type: none"> • Number of Regional/Program EEJ working groups 	<ul style="list-style-type: none"> • Current staff time
<p>7. Build internal infrastructure for prioritizing and implementing EEJ: create “field offices” staffed by liaisons (prioritizing local knowledge, language) to facilitate relationships, public meetings, research (social science and biological), monitoring, etc.</p>	<ul style="list-style-type: none"> • Number of field staff with knowledge of local language and culture • Number of in-person meetings, or venue and platform decisions that prioritize underserved communities. 	<ul style="list-style-type: none"> • EEJ community liaisons • Field offices • EEJ training

<p>8. Provide training on NOAA Fisheries’ EEJ goals and objectives for Council or other advisory body members</p>	<ul style="list-style-type: none"> • Number of trainings provided • Feedback from trainees on their efficacy 	<ul style="list-style-type: none"> • Current staff time
<p>9. Mandatory training for all grant reviewers on how to mitigate the types of bias that likely disadvantage underserved communities when reviewing applications</p>	<ul style="list-style-type: none"> • Number and percentage of grant reviewers trained 	<ul style="list-style-type: none"> • Current staff time • EEJ training

Incorporate Equity and Environmental Justice in Policy and Plans

Objective: Ensure that our policies promote equal opportunities for all and do not create unintended inequities or unequal burdens for undeserved communities.

NOAA Fisheries must adhere to requirements of laws enacted by Congress, which may have a great impact on stakeholders, particularly underserved communities. In accordance with its statutory mandates, NOAA Fisheries issues policies, strategies, and regulations to implement its mission. At times, we are required to make determinations based solely on the best available scientific information, such as the listing of species under the Endangered Species Act; however, some sections of some laws permit EEJ considerations in their implementation, and some plans are wholly dependent on the input and involvement of the communities they address. For example, [climate change resilience planning](#) requires the knowledge and participation of fishing communities to assess and address impacts of changing ocean conditions. Thus, to the extent permitted by applicable law, Policy and Planning EEJ activities consider the impacts and responsiveness of NOAA Fisheries' programs to underserved communities and look for opportunities to co-develop management, conservation, and stewardship initiatives with such communities.

As stated in EO 13985, entrenched disparities in public policies have denied equal opportunity to some individuals and communities. These disparities include past and ongoing policy decisions by the NOAA Fisheries that may have exacerbated unequal distribution of economic, social, and cultural resources. For example, allocation of fishery resources is a complex issue because of the history and tradition of access, the perceptions of equity that arise with allocation decisions, and differences in the economic and social values competing user groups place on those resources.

By more systematically considering EEJ in NOAA Fisheries' policy and planning activities, we can improve equity in the delivery of services. Where possible and appropriate, NOAA Fisheries can include provisions to reduce barriers and improve services to underserved communities to institutionalize equity for the long-term.

Guiding Questions

- How can NOAA Fisheries better include equity for underserved communities in policies and internal guidance?
- How will NOAA Fisheries review existing policies and procedures with EEJ lenses so that they may be refined or revised to ensure more equitable outcomes?
- How can NOAA Fisheries design or revise policies and procedures in a way that ensures that they are helpful and clear to underserved communities?
- What additional flexibility can we provide in NOAA Fisheries' policies and procedures to incorporate relevant local language, customs, and knowledge?

Table 3: Incorporate Equity and Environmental Justice in Policy and Plans, Action Areas and Proposed Metrics

Action	Possible Mechanisms/Metrics	Resources Needed
1. Issue guidance on how new NOAA Fisheries’ policies and plans regarding our external-facing work shall consider EEJ objectives	<ul style="list-style-type: none"> Percentage of policies and plans including EEJ objectives 	<ul style="list-style-type: none"> Current staff time EEJ training
2. Issue guidance that during the periodic review of each NOAA Fisheries’ directive in the Policy Directive System (PDS) , the review includes: appropriate language, clear messaging, accessibility, and consideration of EEJ, communities, local language, customs, and traditional knowledge	<ul style="list-style-type: none"> Percentage of applicable PDS directives including EEJ considerations 	<ul style="list-style-type: none"> Current staff time EEJ training
3. Conduct a review of major NOAA Fisheries’ regulatory processes (fisheries, protected resources, habitat conservation, and aquaculture) to determine whether new policies, regulations, or guidance documents may be necessary to advance EEJ in NOAA Fisheries’ actions and programs	<ul style="list-style-type: none"> Number of regulatory process reviews completed Number of regulatory processes updated based on review 	<ul style="list-style-type: none"> Current staff time EEJ training
4. Develop programs, policies, and activities to address the disproportionately high and adverse environmental, climate-related, and other cumulative impacts on underserved communities, as well as the accompanying food security and economic challenges of such impacts	<ul style="list-style-type: none"> Number of programs, policies, and activities that address climate change impacts on underserved communities 	<ul style="list-style-type: none"> Current staff time EEJ training

Research and Monitoring for Equity

Objective: Identify undeserved communities, address their needs, and assess impacts of management decisions.

NOAA Fisheries uses the best scientific data and information available to guide and adapt its management decisions. Research and Monitoring encompass the collection and analysis of data in support of NOAA Fisheries' mission across a broad array of biological, oceanographic, ecological, social, cultural, and economic arenas. This informs NOAA Fisheries' understanding about 1) the near and long-term condition of our coastal and marine ecosystems and 2) the identification, role, and characterization of humans that rely on or interact with those ecosystems.

Research and monitoring is crucial to EEJ efforts for two main reasons. First, EEJ prioritizes the social, cultural and economic (human) research and monitoring needed to identify and characterize underserved communities and to understand how they are affected by NOAA Fisheries' decisions on resources, livelihoods, culture, food security, etc. Methods to identify underserved communities will need to be appropriate for a given region, program, or project area. Social scientists could use, but are not limited to, Census-based mapping tools, site-specific information from regional staff, information from project partners and grantees, and community consultation. These activities provide the data needed to inform policies that ensure societal benefits from ocean and coastal resources are shared equitably. Collecting and analyzing demographic information on the individuals currently participating and affected by or benefiting from NOAA Fisheries' programs and management will also be essential to monitoring our progress towards EEJ, as encouraged by the DOC Equity Action Plan.

Second, EEJ also requires meaningful involvement of underserved communities in biological (non-human) research and monitoring. Meaningful involvement includes early engagement with underserved communities to identify shared priorities that meet their needs and fulfill NOAA Fisheries' mission. Meaningful involvement also includes engagement of underserved communities during data gathering and reporting, to ensure that findings are appropriate and accessible. For example, NOAA Fisheries' climate change research seeks input on the impacts of climate change on fisheries and fishery-dependent communities in order to develop resilience plans.

Guiding Questions

- What research do we need to identify underserved communities?
- How can NOAA Fisheries better engage with underserved communities to identify, co-develop, and co-produce place-based research and monitoring priorities?
- How can we reduce bias in social science research?²
- How can NOAA Fisheries expand involvement of members of underserved communities in research and monitoring projects?
- How will NOAA Fisheries more equitably allocate research and monitoring resources to identify and characterize underserved communities, understand their needs, and use findings to effectively guide management decisions that affect them?
- How can NOAA Fisheries more equitably allocate our research and monitoring resources to fisheries, habitat, and protected species science that directly impact underserved communities?

² Sampling includes social-science research, but also any other situation where community consultation is used as data.

- How can NOAA Fisheries improve our understanding of the impact of our regulatory actions on underserved communities?
- Does NOAA Fisheries use best practices for working with communities to integrate traditional ecological knowledge into research structure, data collection, and data reporting?
- How can NOAA Fisheries make science communication more accessible and understandable to a diverse audience, including underserved communities?

Table 4: Research and Monitoring for Equity, Action Areas and Proposed Metrics

Action	Possible Mechanisms/Metrics	Resources Needed
<p>1. Meaningful involvement of underserved communities throughout the research process. This includes co-development and co-production of research and monitoring for community characterization and social indicators, fisheries, aquaculture, protected species, and habitat restoration.</p>	<ul style="list-style-type: none"> • Early engagement of underserved communities to co-produce research and monitoring priorities (Links to Outreach and Engagement) • Involvement of underserved community members in the data collection process. • Reporting of findings back to underserved communities • Percentage of projects that involve underserved community members during planning, fieldwork, and reporting • Number of research and monitoring projects that meaningfully involve underserved communities • Underserved community satisfaction with the NOAA Fisheries research and monitoring process 	<ul style="list-style-type: none"> • Current staff time • EEJ training • Dedicated funds to pay study participants
<p>2. Identify and characterize underserved communities by prioritizing social, cultural, economic, and demographic research.</p>	<ul style="list-style-type: none"> • Prioritize social and economic research for EEJ by supporting internal expertise [human capital] • Prioritize cultural literacy to effectively and appropriately engage with underserved communities (Links to Outreach and Engagement) • Number of data sources and research projects characterizing underserved communities 	<ul style="list-style-type: none"> • Current staff time • EEJ training • OMB approval

<p>3. Analyze the social, cultural, and economic impacts of NOAA Fisheries’ services and management decisions (e.g., fisheries, protected species, and habitat conservation) on underserved communities.</p>	<ul style="list-style-type: none"> • Number of reports that integrate social, cultural, and economic impacts to underserved communities. 	<ul style="list-style-type: none"> • Current staff time • EEJ training
<p>4. Include local and traditional ecological knowledge³ in fisheries, climate, and ecosystem-based science.</p>	<ul style="list-style-type: none"> • Quantity of climate and ecosystem based management projects and products that incorporate local and traditional ecological knowledge in their data collection and reporting 	<ul style="list-style-type: none"> • Current staff time • EEJ training
<p>5. Co-production and co-development (i.e., meaningful involvement of fisheries and aquaculture representatives from underserved communities) in the fisheries and cultivation stock assessment and allocation processes.</p>	<ul style="list-style-type: none"> • Diversity and number of fisheries and marine aquaculture representatives from underserved communities taking part in stock assessment processes. • Number of community data workshops • Underserved community satisfaction with NOAA Fisheries stock assessment processes 	<ul style="list-style-type: none"> • Current staff time • EEJ training • EEJ community liaisons
<p>6. Develop a survey and reporting methodology to estimate the value that underserved communities receive from their use of living marine resources (including non-exploitative value).</p>	<ul style="list-style-type: none"> • Publication of reporting methodology 	<ul style="list-style-type: none"> • Current staff time
<p>7. Conduct an analysis of barriers to entry in fisheries and marine aquaculture programs (e.g., cost, culture, and management structure) for underserved communities and identify potential policy changes.</p>	<ul style="list-style-type: none"> • Percentage of fisheries programs for which a barrier analysis is conducted and policy changes identified 	<ul style="list-style-type: none"> • Current staff time
<p>8. Co-produced and co-developed research on the consumption patterns of communities who principally rely on fish and/or wildlife for subsistence. Communicate to the public the risks and benefits of those consumption patterns (Executive Order 12898).</p>	<ul style="list-style-type: none"> • Number of reports produced 	<ul style="list-style-type: none"> • Current staff time

³ Please see [the NOAA Fisheries and National Ocean Service Guidance and Best Practices for Engaging and Incorporating Traditional Ecological Knowledge in Decision-Making](#) for more information.

<p>9. Advance and improve territorial fisheries science and management support through improved assessment and support of local fisheries management agencies via co-developed and co-produced research and application.</p>	<ul style="list-style-type: none"> • Number of joint stock assessments co-produced • Number of positions funded • Number of projects funded 	<ul style="list-style-type: none"> • Additional funding, as requested for FY23
<p>10. Expand the Community Social Vulnerability Indicators Toolbox to include new metrics that consider environmental justice, climate change concerns, and racial equity in underserved coastal communities.</p>	<ul style="list-style-type: none"> • Number of new metrics 	<ul style="list-style-type: none"> • Additional funding, as requested for FY23 • EEJ training

Outreach and Engage Equitably

Objective: Build relationships with underserved communities to better understand their needs and improve information sharing with all stakeholders.

NOAA Fisheries shares information and builds relationships with underserved communities through outreach and engagement including: student education programs, internships, and a variety of communication products to share information and knowledge. Engaging in two-way information sharing with stakeholders and partners is crucial to success, and we will use input from underserved communities to improve this process.

Effective outreach and engagement must be highly customized, personalized, consistent, long-term, and flexible. They also require skill, knowledge, and time. NOAA Fisheries can increase coordination and communication with underserved communities through asking the opinion of community members, using those opinions to direct actions, early engagement, prioritizing cultural literacy, addressing communication barriers (e.g. translation), and building communication plans that can adapt to emerging needs of underserved communities.

Through outreach and engagement, NOAA Fisheries intends to better understand the needs and priorities of communities impacted by our work. We will prioritize new and reinvigorated efforts to work more closely with community representatives and build stronger relationships with underserved communities. As recommended by the White Council EJ Advisory Council, we will establish iterative and bidirectional feedback loops to improve our communication methods.

Guiding Questions

- Does NOAA Fisheries reach underserved communities through various communication platforms, languages, and outreach activities? Are those the preferred methods of communication within the community?
- How does NOAA Fisheries actively aggregate and incorporate the feedback we receive?
- At an agency level, how can we prioritize outreach and train staff to effectively engage with underserved communities?
- How can NOAA Fisheries build relationships with underserved communities that allow for two-way communication and trust?
- What training and resources do staff need to expand NOAA Fisheries' outreach and communication in underserved communities?

Table 5: Outreach and Engage Equitably, Action Areas and Proposed Metrics

Action	Possible Mechanisms/Metrics	Resources Needed
<p>1. Leverage existing information and community ties</p>	<ul style="list-style-type: none"> • Create a list of current connections to underserved communities for each region or program • Add additional underserved communities to the above list for each region or program, and allow for periodic updates (Links to Research and Monitoring) 	<ul style="list-style-type: none"> • Current staff time
<p>2. Work with members of underserved communities to create communication plans</p>	<ul style="list-style-type: none"> • Number of communication plans 	<ul style="list-style-type: none"> • Current staff time • Community input • Minor funds for printing /contact mailings • Staff training
<p>3. Learn from existing community ties (e.g., listening and learning sessions with community members) the best methods for communication, and allow for the communication plan to evolve based on new information or on the ground realities. Consider accessibility in terms of language, distribution method (in person, print, social media etc.), and cultural protocols.</p>	<ul style="list-style-type: none"> • Percentage of communication plans that are responsive to cultural norms and community context. 	<ul style="list-style-type: none"> • Current staff time • Community input • Minor funds for printing /contact mailings • Staff training
<p>4. Create outreach materials and events that follow the communication plan developed with and for each underserved community (see Action 2).</p>	<ul style="list-style-type: none"> • Number of communication products (brochures, media posts, etc.) or outreach events (meetings, presentations, workshops etc.) • Underserved community satisfaction with the communication products and outreach events • Underserved community awareness of NOAA Fisheries’ presence/image. 	<ul style="list-style-type: none"> • Current staff time • Language experts for written and in-person translation • EEJ community liaisons • Funds for outreach materials and events • EEJ training • Use of outreach funding

<p>5. Create educational programs and opportunities to engage underserved communities in STEM activities related to NOAA Fisheries’ research and management mission and support.</p>	<ul style="list-style-type: none"> • Number of education and community engagement events and products (programs, curricula, and activities) targeting underserved communities • Number of underserved communities / members that are reached by community engagement events and products • Number of paid internship opportunities for underserved communities • Number of paid interns from underserved communities • Include EEJ considerations in selection criteria • Underserved community participant satisfaction with education prog./ product 	<ul style="list-style-type: none"> • Current staff time • List of current opportunities • Funding for additional opportunities • EEJ training
<p>6. Support educational programs and opportunities to engage underserved communities in the management process through support of EEJ selection criteria in existing programs provided by partners.</p>	<ul style="list-style-type: none"> • Number of stakeholders from underserved communities trained in management process 	<ul style="list-style-type: none"> • Current staff time • Resources to support existing education programs • EEJ training
<p>7. Provide outreach, mentorship, and public facing online training for underserved communities regarding how to navigate NOAA Fisheries’ grant program proposal development and application process (Links to Equitably Distribute Benefits), and the internship and job application process.</p>	<ul style="list-style-type: none"> • Develop an online application resource and number of public outreach events targeted at underserved communities • Develop public outreach events targeted at underserved communities • Develop a mentorship program application processes, increasing underserved communities access to technical expertise and subject matter experts 	<ul style="list-style-type: none"> • Current staff time • Communications plan to reach key audiences
<p>8. Create fisheries management and seafood industry pilot education/training programs with historically Black colleges and universities, minority serving institutions, Tribal colleges, and community colleges</p>	<ul style="list-style-type: none"> • Number of pilot programs created • Number of participants in pilot programs 	<ul style="list-style-type: none"> • Additional funding, as requested for FY23
<p>9. Generate interest in fishing by creating a grant program for training, education, outreach, and technical assistance initiatives involving youth from underserved communities</p>	<ul style="list-style-type: none"> • Number of grants funded 	<ul style="list-style-type: none"> • Additional funding

Equitably Distribute Benefits

Objective: Distribute benefits equitably among stakeholders by increasing the access to opportunities for underserved communities.

NOAA Fisheries provides benefits to communities through direct investments, disaster assistance, and grant opportunities for research, habitat restoration, aquaculture, and species recovery among others^{4,5}. Benefits can also come in the form of data and tools that communities can use to make decisions. For example, benefits relating to climate change include funding and tools to build knowledge and resilience.

As stated in EO 13985, advancing equity creates

...opportunities for the improvement of communities that have been historically underserved, which benefits everyone. The Federal Government should, consistent with applicable law, allocate resources to address the historic failure to invest sufficiently, justly, and equally in underserved communities, as well as individuals from those communities.

As described in the DOC Equity Action Plan, we will: make services, science, and data more accessible to underserved communities; ensure that benefits and funding advance racial equity and support underserved communities; and provide economic opportunities for underserved communities by institutionalizing equity in the long-term. As recommended by the White Council EJ Advisory Council, we will evaluate access to and distribution of benefits and track federal funding. Furthermore, the Justice40 Initiative directs us to deliver at least 40 percent of the overall benefits from federal investments in climate and clean energy to disadvantaged communities. Investments in ecological restoration and community resilience are integral to NOAA's climate strategy goals to create and foster natural and economic resilience along coasts through our expertise and robust on-the-ground partnerships and place-based conservation activities.

NOAA Fisheries seeks to examine its policies, criteria and processes related to provision of funding and other benefits to ensure equitable distribution. The key challenges will be to recognize and repair inequities and to identify new opportunities to deliver benefits to underserved communities.

Guiding Questions

- What barriers do underserved communities face in accessing benefits managed by NOAA Fisheries?
- Do NOAA Fisheries' benefits (such as funding, fisheries allocations, permits, opportunities, services, and environmental protection and restoration) equitably reach or benefit underserved communities? Can we expand the equity in our delivery of these benefits?
- How can we better serve underserved communities with data and tools NOAA Fisheries provides to the public?
- What accountability structures and processes are needed to ensure equitable delivery of benefits, such as data collection, on benefit recipients and analysis of that data?

⁴ This includes administration of 52 [funding and financial service opportunity programs](#) that provide direct and indirect benefits to communities.

⁵ Going forward, benefits will also include new funding opportunities under the Infrastructure Investment and Jobs Act, which allocates \$400 million to protect and restore habitats that sustain fisheries, recover protected species, and maintain resilient ecosystems and communities (15 percent of funding reserved for Tribes).

Table 6: Equitably Distribute Benefits, Action Areas and Proposed Metrics

Action	Possible Mechanisms/Metrics	Resources Needed
<p>1. Identify and remove potential barriers that underserved communities may face to access NOAA Fisheries’ benefits and services, including agency acquisition and financial assistance opportunities; work to incorporate EEJ considerations into all internal and external competitive funding opportunities</p>	<ul style="list-style-type: none"> • Review selection criteria that may systematically disqualify underserved communities • Number of grant/funding/contracting programs reviewed and modified • Increase accessibility of benefits and services (Linked to Outreach and Engagement) 	<ul style="list-style-type: none"> • Current staff time • EEJ training
<p>2. Track and report the percentage of grants, projects, disaster declarations, and other funding going to underserved communities</p>	<ul style="list-style-type: none"> • Tracking and reporting mechanisms developed • Tracking and reporting mechanisms used to analyze the allocation of resources to underserved communities 	<ul style="list-style-type: none"> • Current staff time
<p>3. Incorporate EEJ considerations into program decision-making and resource allocation. Considerations could include assessment of impacts and benefits to underserved communities in the community selection criteria, and prioritization of actions that benefit or correct a disparity among communities.</p>	<ul style="list-style-type: none"> • Number of programs that incorporate EEJ into allocation decision-making. • Goal that at least 40% of overall climate adaptation and resilience resources benefit disadvantaged communities (EO 14008 Sec. 402, and “Justice 40”) 	<ul style="list-style-type: none"> • Current staff time • EEJ training
<p>4. For natural resource damage assessments, ensure natural resource injuries (including lost human use, as well as social, cultural and economic benefits) borne by underserved communities are accounted for and ensure they are appropriately compensated with restoration of those habitats injured</p>	<ul style="list-style-type: none"> • Number of natural resource damage assessment cases with explicit consideration of natural resource and human use losses borne by underserved communities and engagement in restoration planning. 	<ul style="list-style-type: none"> • Current staff time • EEJ training
<p>5. Increase Tribal and state capacity for species recovery by requesting additional funds for Species Recovery Grants, which create jobs and improve populations of listed species, which often have cultural and subsistence value for Tribes.</p>	<ul style="list-style-type: none"> • Number of Species Recovery Grants to Tribes and states with underserved communities 	<ul style="list-style-type: none"> • Additional funding, as requested for FY23

Inclusive Governance

Objective: Enable the meaningful involvement of underserved communities in the decision-making processes.

Inclusive governance ensures broad and diverse participation in decision-making, such that all stakeholders are equally welcomed and encouraged to participate. However, members of underserved communities rarely have equal access to contributing to governance processes (see *Barriers to Equity and Environmental Justice*). NOAA Fisheries seeks to increase the diversity of voices through public comments, empower community participation, and support cooperative management efforts wherever possible.

The decisions NOAA Fisheries makes through its scientific, conservation, and management work impact communities. Federal rulemaking is subject to numerous requirements to ensure transparency and opportunities for public participation; however, access for underserved communities may be limited by a number of factors. It is incumbent upon us to ensure that all stakeholders have an equal voice in NOAA Fisheries' processes.

NOAA Fisheries works in partnership with Councils (and other advisory bodies), Tribes, Alaska Natives, stakeholders, state, territorial, and local government agencies, and numerous other partners to achieve NOAA Fisheries' mission. Increasing engagement and representation of underserved communities is essential to successful fulfillment of our mission.

Guiding Questions

- How can NOAA Fisheries better account for the needs of underserved communities in decision-making?
- What accountability processes and structures are needed for NOAA Fisheries to assess if underserved community needs are adequately accounted for in decision-making?
- How can underserved communities have equitable access to participate in management processes (time/travel to in-person meetings, broadband internet to support remote participation, access to interpreters, etc.)?
- Is the information NOAA Fisheries uses to support decision-making accessible to stakeholders in underserved communities (plain language, 508 compliant, translated into appropriate primary languages, delivered in a preferred platform, etc.)?
- How can NOAA Fisheries facilitate representation of underserved communities on advisory bodies? How can NOAA Fisheries modify the decision-making process to improve access to underserved communities?
- How can NOAA Fisheries facilitate involvement of underserved communities when requesting public comment/input?

Table 7: Inclusive Governance Action Areas and Proposed Metrics

Action	Possible Mechanisms/Metrics	Resources Needed
<p>1. Increase and improve opportunities for underserved communities to engage in the decision-making process.</p>	<ul style="list-style-type: none"> • Support diverse platforms for participatory engagement with members of underserved communities (Link to Outreach and Engagement) • Early engagement with community representatives to ensure communication methods are effective (Link to Outreach and Engagement) • Attendance at public meetings that occur in underserved communities • Host public meetings and other engagement in underserved communities • Underserved community satisfaction with decision-making process • Underserved community satisfaction with decisions made 	<ul style="list-style-type: none"> • Travel funds for participants • Funds to compensate community members for their time and expertise • Funds for facilities rental, equipment, supplies, interpreters, etc. • Language experts • Staff training
<p>2. Increase the diversity of public comments by improving the accessibility of public meetings and documents and regulations</p>	<ul style="list-style-type: none"> • Identify new ways to make public meetings accessible to underserved communities (Link to Outreach and Engagement) • Percentage of public meetings notices in languages used by constituency and with interpretation services available • Provide documents that are accessible to underserved communities (Link to Outreach and Engagement) 	<ul style="list-style-type: none"> • Travel funds for participants • Funds for translation services • Language and communication experts
<p>3. Support representation of underserved communities in advisory bodies such as Regional Councils, Advisory Panels, recovery planning teams, Regional Fishery Management Organization advisory committees, Marine Fisheries Advisory Committee</p>	<ul style="list-style-type: none"> • Collect demographic information to track representation of underserved communities and provide to relevant advisory bodies to encourage greater diversity and representation • Develop training and educational resources/materials and provide these resources to underserved communities to facilitate broader participation and understanding of advisory bodies • Satisfaction of representatives with their role in advisory bodies. 	<ul style="list-style-type: none"> • Current staff time • Outreach plan for new recruits

<p>4. Establish or improve relationships with municipal, State, and Territorial governments, other federal agencies, and non-government organizations in Territories to leverage their community connections when soliciting public input</p>	<ul style="list-style-type: none"> • Number of regions with outreach lists including these groups • Number of meetings scheduled to brief government officials in underserved communities • Feedback from attendees on the effectiveness of the outreach efforts 	<ul style="list-style-type: none"> • Current staff time • EEJ community liaison • Travel funding
<p>5. Coordinate with municipal, State, and Tribal governments, other federal agencies, and non-government organizations on cross-cutting issues that impact underserved communities</p>	<ul style="list-style-type: none"> • Number of interagency teams that address cross-cutting issues affecting underserved communities. 	<ul style="list-style-type: none"> • Current staff time • EEJ training
<p>6. Continue to honor Tribal sovereignty and the federal trust responsibility.</p>	<ul style="list-style-type: none"> • Number of formal and informal consultations with Tribal Nations • Satisfaction of Tribal Nations with the consultation process and outcomes. 	<ul style="list-style-type: none"> • Current staff time
<p>7. Create training program to provide constituents the information and tools needed to confidently and productively engage in fishery (commercial, recreational, aquaculture) management decision processes</p>	<ul style="list-style-type: none"> • Number of people trained 	<ul style="list-style-type: none"> • Additional funding, as requested for FY23

Strategy Development Process

The development of the NOAA Fisheries’ EEJ Strategy is designed as a multi-year iterative process, which includes early community input and public feedback (Figure 1). In this section, we document development of the strategy with special attention to how community, internal, and public input were incorporated.

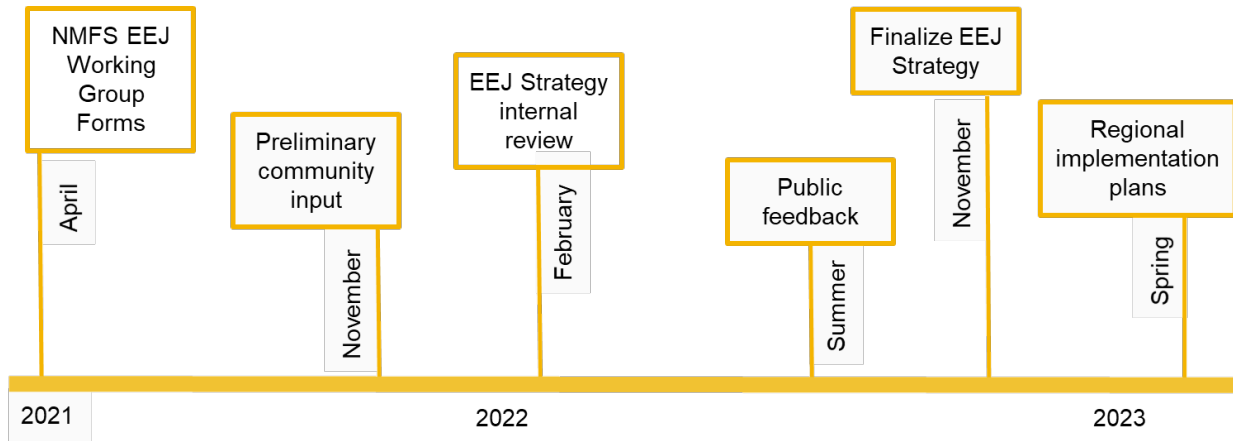


Figure 1. NOAA Fisheries’ EEJ Strategy development timeline

Preliminary Community Input

In November 2021, we solicited early input from federally and non-federally recognized Tribes, Territories, and Indigenous communities on NOAA Fisheries’ role in EEJ. We reviewed, synthesized and summarized the recommendations, as follows:

Empowering Environment

- Create a community committee with representatives of underserved groups
- Establish an EEJ liaison within underserved communities to network and provide understanding of cultural protocols
- Assess EEJ progress through monitoring and evaluation on an ongoing basis across all target areas.

Policy and Plans

- Review implementation of cultural consideration in the MMPA and ESA
- Do EEJ analysis of policies

Research and Monitoring

- Align NOAA Fisheries’ research priorities with underserved communities’ research priorities
- Collect survey data in all fishing communities

- Do EEJ analysis of management impacts
- Define and include non-commercial fisheries
- Increase funding to territorial science and invest in local scientific research and expertise

Outreach and Engagement

- Ensure engagement involves the appropriate language and venue; hold in-person meetings with the public, local government, and fishing organizations
- Create targeted campaigns to raise awareness of NOAA Fisheries' mission and progress; create a mentor network to support robust proposal writing efforts; invest in capacity building for specialized workforces based on regional strengths

Equitable Distribution of Benefits

- Consider barriers to benefit access such as criteria related to population size, recordkeeping burden, and non-commercial fisheries
- Do EEJ analysis of NOAA Fisheries' benefits distribution, such as research funding and grants

Inclusive Governance

- Coordinate with other federal agencies on land issues that affect habitat and species
- Honor Tribal sovereignty and the federal trust responsibility

Internal Review

In early 2022, the updated draft EEJ strategy was shared widely among NOAA Fisheries' leadership and staff. The working group received feedback from every region and several headquarters offices. As with the initial community input, feedback was categorized and addressed. The updated version was then presented to leadership in April 2022.

In response to the feedback, goals were included, objectives were reordered, and connection between them strengthened; metrics were reviewed to make them more output (rather than input) oriented.

Public Feedback—In Progress

NOAA Fisheries seeks public comment on this document to ensure that this national strategy will lead us to equitably serve all communities. Effort will again be made to reach underserved communities and, if possible, hold in-person meetings. So far throughout this process in-person meetings have not been possible due to Covid-19 travel restrictions. We will seek feedback from communities we have not yet heard from, such as processing plant workers. We will also incorporate EEJ updates, as they become available from the Administration, DOC, and NOAA, into the final strategy.

Appendix 1: EEJ Activity Categories

To better understand the scope of NOAA Fisheries’ current and planned efforts and to identify opportunities for future work, the NOAA Fisheries’ EEJ Working Group categorized 170 current EEJ activities. Six main categories and 17 distinct themes were identified⁶. Several activities were categorized under multiple themes and approaches, demonstrating how these approaches often work together. Outreach and Engagement was the most common approach used in NOAA Fisheries EEJ activities, followed by Research and Monitoring, then Benefit. Policy and Planning and Inclusive Governance had fewer examples and may represent opportunities for further prioritization and development. Below are examples of NOAA Fisheries’ ongoing work within those six EEJ approaches.

Table A1. Themes used to categorize EEJ activities and examples of each.

EEJ Approach	Theme	NOAA Fisheries Examples of Ongoing Work
Empowering Environment	EEJ Training - Activities and initiatives that improve communication and relationship building with underserved communities, including increasing understanding of NOAA Fisheries’ underserved constituent communities.	The Alaska Fisheries Science Center and Alaska Regional Office staff have taken cultural awareness training regarding Alaska Native communities, governance structure, and culture to help increase understanding and to build positive relationships and improve communication with and understanding of Alaska Native communities.
	Capacity Building - Capacity building, including career development products or activities.	NOAA Fisheries supports paid undergraduate summer internships for students from historically black colleges and minority serving institutions. Examples include the Inclusive NOAA Fisheries Internship Program (IN FISH!), Woods Hole Partnership Education Program, and the Hollings Preparation Program (see a complete list). With NOAA Fisheries mentors supporting participants on a project, these programs provide opportunities for career development in science and management fields.
Incorporate EEJ in Policy and Plans	Program Plans - Planning ways to increase the reach and benefits of NOAA Fisheries programs to underserved communities.	The Office of Habitat Conservation formed a standing committee to develop recommendations for integrating EEJ principles into Damage Assessment Remediation and Restoration Program work. Recommendations inform the development of new strategies for engaging underserved communities, the application of new methods and decision frameworks that allow us to better consider and assess EEJ factors, and our ability to assess progress over time relative to specific objectives.

⁶ The iterative process of categorizing and developing themes and broad categories included a preliminary and secondary analysis based on feedback.

<p>Incorporate EEJ in Policy and Plans (cont'd.)</p>	<p>Policy - Considering EEJ during the policy making process.</p>	<p>The Pacific Islands Regional Office is working with stakeholders, other U.S. government colleagues, and Western & Central Pacific Fisheries Commission members to develop a management measure that will address concerns about the conditions faced by crew members from underserved communities, focusing on crew labor standards and safety.</p>
<p>Equity in Research and Researching Equity</p>	<p>Collaborative and Supporting Research - Research or research support done in collaboration with underserved communities or the agencies/institutions that represent them (e.g., Tribal council, Territorial fisheries agency).</p>	<p>Local fishermen from the villages of Emmonak and Alakanuk, NOAA Fisheries, the Alaska Department of Fish and Game, and the Yukon Delta Fisheries Development Association work together each summer to retrieve salmon nets, count fish, measure water temperature and send samples to the Alaska Fisheries Science Center Auke Bay Laboratories to analyze fish diet and body condition. The project provides opportunities to introduce young people to science careers while citizen scientists help study the decline in Chinook salmon returns to Yukon River.</p>
	<p>Social and Cultural Research - Research to identify and characterize underserved fisheries communities. It includes social indicators, demographic data, and research on human health, safety, and food security, non-commercial fisheries, as well as local, traditional and cultural knowledge</p>	<p>Community characterizations can be used to highlight previously underserved communities. For example, the Alaska Fisheries Science Center led research projects on the role of Alaska Native women in Bristol Bay fisheries, women’s engagement in 30 years of fishing in Alaska, and women’s participation within commercial fisheries in North America and Europe to explore the multifaceted nature of women’s fisheries engagement.</p>
	<p>Management and Governance Research - Analysis of impacts of management measures on underserved communities, and their perception of and engagement in the decision-making process.</p>	<p>The Office of Habitat Conservation’s Restoration Center Deepwater Horizon Project evaluates each proposal in the reasonable range of alternatives to determine whether its implementation would have disproportionate impacts on minority, low-income, or underserved populations.</p>
<p>Outreach and Engage Equitably</p>	<p>Relationship Building and Knowledge Sharing - Activities designed to build and maintain relationships with communities and provide important information.</p>	<p>Developed the Recreational Fishers Education Program - Puerto Rico in collaboration with the Puerto Rico Department of Environment & Natural Resources and the Caribbean Fishery Management Council. This is an educational program tailored to the recreational fishing community in Puerto Rico. The program is made up of 7 modules: fishery laws and regulations, regulated marine species, highly migratory species, coral reef ecosystems, Puerto Rico Coral Reef laws and regulations, fishery management and participation, and catch and release best practices. The program covers both federal and territorial fisheries and will be launching virtual online workshops this summer.</p>

Outreach and Engage Equitably (cont'd.)	Communication and Language Access - Communication platforms, settings, and products to reach underserved communities.	To broaden the engagement of minority fishing communities with the rulemaking process, and improve compliance with new conservation and management measures, several NOAA Fisheries offices translate fishery management materials (e.g., fishing compliance guides, species identification and safe handling cards), and provide interpreters at public meetings. Translations have been done in Spanish, Vietnamese, and Samoan.
	Education - Education products or activities designed to reach underserved communities.	The Alaska Fisheries Science Center works with the Sealaska Heritage Institute and the Alaska Native Science and Engineering Program to provide activities and science, technology, engineering and mathematics content for Alaska Native middle school students.
Equitably Distribute Benefits	Grants and Funding allocation - Grants and funding allocation for activities for underserved communities.	The Southeast Regional Office worked with the Office of Protected Resources to develop a revised process for evaluating Species Recovery Grants to Tribes to ensure fair representation of Tribal projects for funding panel consideration. In addition, the Office of Habitat Conservation has included specific language in their Notice of Federal Funding Opportunities to include EEJ and restoration opportunities.
	Fisheries and Aquaculture - Fisheries and aquaculture activities for underserved communities.	The Northwest Fisheries Science Center collaborated with the Northwest Indian College to support a Tribal youth partnership researching new toxins affecting shellfish aquaculture.
	Habitat Conservation and Restoration - Habitat conservation and restoration activities for underserved communities.	The NOAA Chesapeake Bay Office created the Envision the Choptank partnership, which finds collaborative solutions that support healthy and productive oyster reefs, and restore fishable, swimmable waters to the Choptank River. Envision the Choptank, with NCBO's support, has developed and agreed to EEJ principles and incorporated EEJ considerations into project equity checklists and is focusing on habitat restoration and conservation projects in underserved communities to increase equity and inclusion in projects.
	Climate Adaptation - Climate adaptation activities for underserved communities	NCBO is assisting with a Chesapeake Bay Program project targeting green infrastructure projects to enhance coastal resilience in underserved areas to increase equity and inclusion in restoration.

Inclusive Governance	Improve Diversity of Community Input - Activities designed to increase diverse input to decision makers, including through public comment processes.	The Atlantic Highly Migratory Species Management Division actively considers diversity (ethnic, geographic, fishery, etc.) in the review of nominations to the HMS Advisory Panel with the goal of achieving diverse input and advice on HMS fishery issues and management. Recently, they have increased U.S. Caribbean participation on the HMS Advisory Panel, particularly from Puerto Rico.
	Support Community Decision-Making - Activities designed to increase access to decision-making for underserved communities.	The Southeast Regional Office worked with the Gulf of Maine Research Institute to expand the Marine Resource Education Program to Puerto Rico and the U.S. Virgin Islands. Nationally, MREP creates avenues for scientists and managers to learn from fishers and for fishers to improve understanding and engagement in the federal fishery science and management process.
	Cooperative Management Processes - Activities that include management collaboration with underserved communities.	Under the Marine Mammal Protection Act, NOAA Fisheries and Alaska Native organizations co-manage marine mammal populations in Alaska . Co-management promotes full and equal participation by Alaska Natives in decisions affecting the subsistence management of marine mammals (to the maximum extent allowed by law) as a tool for conserving Alaska marine mammal populations.

Appendix 2: NOAA Fisheries' Mandates and EEJ

NOAA Fisheries issues programs, policies and activities under the following laws, which often intersect with EEJ considerations:

Magnuson-Stevens Fishery Conservation and Management Act

The [Magnuson–Stevens Fishery Conservation and Management Act](#)⁷ (MSA) creates a public process governing marine fisheries management in U.S. federal waters with the objectives of preventing overfishing and rebuilding fisheries when needed. The MSA establishes a constituent-based development of management measures through open public forums called fisheries management councils. It contains a number of references to specific communities, including Tribal governments, native Hawaiian, Alaskan Native, and Western Pacific indigenous communities. The MSA describes national standards for the development of fishery management plans, and NOAA fisheries provides regulatory guidance on implementation of the ten national standards for this management.

National Standard 1 requires that conservation and management measures prevent overfishing while achieving, on a continuing basis, the optimum yield (OY) from each fishery for the U.S. fishing industry. 16 U.S.C. 1851(a)(1). OY refers to an amount of fish which provides the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account protection of marine ecosystems; and is prescribed on the basis of maximum sustainable yield “as reduced by any relevant social, economic, or ecological factor...” 16 U.S.C. 1802(33). For social factors, the [National Standard 1](#) guidelines provide a non-exhaustive list of potential considerations, fishery-related indicators, and other factors that may be considered. This list encourages consideration of “...preservation of a way of life for fishermen and their families, dependence of local communities on a fishery (e.g., involvement in fisheries and ability to adapt to change),... non-fishery related indicators (e.g., unemployment rates, percent of population below the poverty level, population density, etc.),...[and] the cultural place of subsistence fishing, obligations under Tribal treaties, proportions of affected minority and low-income groups, and worldwide nutritional needs” (50 C.F.R. 600.310(e)(3)(iii)(B)(1)).

National Standard 4 requires that allocations be fair and equitable, reasonably calculated to promote conservation, and carried out to avoid excessive shares (among other considerations). 16 U.S.C. 1851(a)(4). Relevant to EO 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), the [National Standard 4 guidelines](#) provide guidance on these requirements and also other factors relevant to the fishery management plan’s objectives that should be considered, such as “economic and social consequences of the scheme, food production...dependence on the fishery by present participants and coastal communities, ...opportunity for new participants to enter the fishery...” (50 C.F.R. 600.325(c)(3)(iv)).

National Standard 8 requires conservation and management measures, consistent with MSA conservation requirements, to take into account the importance of fishery resources to fishing communities by utilizing economic and social data that are based upon the best scientific information available in order to provide for the sustained participation of such communities; and to the extent practicable, minimize adverse economic impacts on such communities (16 U.S.C. 1851(a)(8)). When addressing these requirements, the [National Standard 8 guidelines](#) provide that both consumptive and non-consumptive uses of fishery resources should be considered (50 C.F.R. 600.345(c)(4)). “Fishing community” is defined under the MSA as a “community that is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing

⁷ Formerly the Fisheries Conservation and Management Act (1976).

vessel owners, operators, and crew, and fish processors that are based in such community” (16 U.S.C. 1802(17); see also 50 C.F.R. 600.345(b)(3)). The NS8 guidelines further explain: “A fishing community is a social or economic group whose members reside in a specific location and share a common dependency on commercial, recreational, or subsistence fishing or on directly related fisheries-dependent services and industries (for example, boatyards, ice suppliers, tackle shops)” (50 C.F.R. 600.345(b)(3)). These fishing communities likely overlap in some cases with underserved communities as defined above, and highlighting potential inequity in fisheries policy decisions in required analyses under National Standard 8 is an important intersection of our mandate and the Executive Orders.

As noted in the [2012 Department of Commerce Environmental Justice Strategy](#), the Magnuson-Stevens Fishery Conservation and Management Act recognizes the special role for Tribes and other indigenous peoples in the development and implementation of fisheries policies. For example, the Act stipulates that the Pacific Fishery Management Council, whose area of responsibility is seaward of California, Oregon, Washington and Idaho, will include a voting member who is a representative of an Indian Tribe with federally recognized fishing rights from the region. Additionally, the MSA authorizes a Western Alaska Community Development Quota Program, whose goals are providing eligible western Alaska villages with the opportunity to participate and invest in Bering Sea and Aleutian Islands fisheries, supporting economic development, alleviating poverty and providing economic and social benefits for residents, and achieving sustainable and diversified local economies (16 U.S.C. 1855(i)(1)). For any fishery under the authority of the Western Pacific Fishery Management Council, the MSA authorizes the establishment of a Western Pacific Community Development Program in order to provide access for western Pacific communities that participate in the program (16 U.S.C. 1855(i)(2)). The goals of this program include promoting the development of social, cultural and commercial initiatives that enhance opportunities for western Pacific communities of American Samoa, Guam, Hawaii and the Commonwealth of the Northern Mariana Islands.

There is also a mandate under the MSA to establish a pilot program for regionally-based marine education and training programs in the Western Pacific and the Northern Pacific to foster understanding, practical use of knowledge (including native Hawaiian, Alaskan Native, and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The goal of programs or projects would be to improve communication, education, and training on marine resource issues and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians, Alaskan Natives, and other underrepresented groups in the region. 16 U.S.C. 1855(j).

Endangered Species Act

The purpose of the [Endangered Species Act \(ESA\)](#) is to conserve threatened and endangered species and the ecosystems upon which they depend. NOAA Fisheries shares responsibility for implementing the ESA with the U.S. Fish and Wildlife Service; we are responsible for managing marine and anadromous fishes. The ESA prohibits the “take” (i.e., to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of endangered species, but under certain circumstances, this prohibition does not apply to subsistence take by “any Indian, Aleut, or Eskimo who is an Alaskan Native who resides in Alaska” or “any non-native permanent resident of an Alaskan native village” 16 U.S.C. 1538(a); 1539(e).

In June 1997, the Secretary of Commerce and Secretary of Interior issued a Joint Department of Commerce and Department of the Interior Secretarial Order “[American Indian Tribal Rights, Federal Tribal Trust Responsibilities, and the Endangered Species Act](#)”. The Order acknowledges the trust responsibility and treaty obligations of the United States toward Indian Tribes and Tribal members and its government-to-government relationship in dealing with Tribes.

Accordingly, the Departments will carry out their responsibilities under the ESA in a manner that harmonizes the federal trust responsibility to Tribes, Tribal sovereignty, and statutory missions of the Departments, and that strives to ensure that Indian Tribes do not bear a disproportionate burden for the conservation of listed species, so as to avoid or minimize the potential for conflict and confrontation. Section 161 of Public Law 108–199 (188 Stat. 452), as amended by section 518 of Public Law 108–447 (118 Stat. 3267), directs all federal agencies to consult with Alaska Native corporations on the same basis as Tribal Nations under EO 13175. Additionally, Secretarial Order 3225, entitled “Endangered Species Act and Subsistence Uses in Alaska (Supplement to Secretarial Order 3206)” establishes a consultation framework between NOAA Fisheries and Alaska Natives regarding subsistence take of ESA-listed species under the Act. Consistent with these orders and consultation policies, we coordinate and consult with affected Tribal Nations when considering actions under the ESA that may impact Tribal trust resources, Tribally-owned fee lands, or the exercise of Tribal rights.

[Fish and Wildlife Coordination Act](#)

Under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), NOAA Fisheries annually funds [Species Recovery Grants to Federally Recognized Tribes](#) to support management, research, monitoring, and outreach activities that have direct conservation benefits for species listed under the ESA.

[Marine Mammal Protection Act](#)

The [Marine Mammal Protection Act](#) of 1972 establishes a national policy to prevent marine mammals from declining beyond the point where they cease to be significant functional elements of the ecosystems of which they are a part. The MMPA prohibits the “take” of marine mammals, including the hunting, capturing, collecting, or killing of these animals, in U.S. waters or on lands subject to the jurisdiction of the U.S., with some exceptions. It requires that an incidental take authorization be obtained for the unintentional “take” of marine mammals incidental to activities including construction projects. However, under certain circumstances, the MMPA exempts subsistence take by Alaska Natives (described in 16 U.S.C. 1371(b) as “any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean”); see also 50 CFR 216.3 and 216.23. Additionally, [section 119 of the MMPA](#) allows NOAA Fisheries to establish agreements with [Alaska Native Organizations for co-management](#) of marine mammals harvested for subsistence and cultural purposes. Co-management promotes full and equal participation by Alaska Natives in decisions affecting the subsistence management of marine mammals (to the maximum extent allowed by law) as a tool for conserving marine mammal populations in Alaska.

Under applicable circumstances, the MMPA also provides NOAA Fisheries with authority to waive or grant an exemption to the take prohibition of marine mammals to facilitate the exercise of treaty rights to hunt or fish reserved by federally recognized treaty Tribes. For example, under section 120 of the Act, NOAA Fisheries may authorize the lethal removal of seals and sea lions having a significant negative impact on ESA-listed salmon on the West Coast. In certain designated areas, NOAA Fisheries may authorize Tribal governments to participate in the removal process. Under section 101(a)(3) of the MMPA, NOAA Fisheries may consider granting a waiver of the take prohibition to allow a Tribe to exercise their treaty right to engage in a subsistence hunt of healthy populations of marine mammals.

[National Environmental Policy Act](#)

The National Environmental Policy Act establishes the national environmental policy of the federal Government to use all practicable means and measures to foster and promote the general welfare, create and maintain conditions under which humans and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of

present and future generations of Americans, and directs federal agencies to consider the environmental impacts of their proposed actions prior to making decisions. The Council on Environmental Quality’s 1997 [Environmental Justice Guidance under the National Environmental Policy Act](#) highlights the importance of NEPA in identifying environmental justice issues and offers principles for incorporating environmental justice into NEPA reviews of our proposed actions. The Federal Interagency Working Group on Environmental Justice established a NEPA Committee in 2012 pursuant to the [Memorandum of Understanding on Environmental Justice and Executive Order 12898 \(2011\)](#). The Memorandum identified NEPA as an area of focus for inclusion in the agencies’ environmental justice efforts and directed efforts to “include interagency collaboration.” After examining best practices, lessons learned, research, analysis, training, consultation, and other experiences of federal NEPA practitioners across the federal government, the EJ IWG produced [Promising Practices for EJ Methodologies in NEPA Reviews \(2016\)](#) as an informal guide for sharing effective ways to build robust consideration of environmental justice into NEPA practice.

As required under NEPA, fishery management actions go through the environmental review process. The [2012 Department of Commerce Environmental Justice Strategy](#) notes that as the custodian of extensive environmental data, NOAA is uniquely equipped to assess “the potential ... disproportionate and adverse environmental impacts on low-income and minority populations”. In addition, the guidance notes that NOAA Fisheries studies the impact of climate change on NOAA Fisheries-trust resources, including fisheries, ESA and MMPA species, and their associated habitats. NOAA Fisheries has key data resources for understanding how those climate-induced changes to our resources will specifically impact underserved/minority/Tribal populations.

[Comprehensive Environmental Response, Compensation and Liability Act \(CERCLA\)](#)

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), provides a comprehensive group of authorities focused on one main goal: to address any release, or threatened release, of hazardous substances, pollutants, or contaminants that could endanger human health and/or the environment. CERCLA’s response provisions focus on the protection of human health and the environment. The statute also provides authority for assessment and restoration of natural resources that have been injured by a hazardous substance release or response.

[Oil Pollution Act \(OPA\)](#)

The [Oil Pollution Act](#) of 1990 strives to prevent oil spills from vessels and facilities, enforces removal of spilled oil and assigns liability for the cost of cleanup and damages. The Act requires specific operating procedures; defines responsible parties and financial liability; implements processes for measuring damages; specifies damages for which violators are liable; and establishes a fund for damages, cleanup, and removal costs. It gives NOAA and others the authority to address impacts to natural resources caused by oil spills and to take actions to respond to or prevent an oil spill.



**NOAA
FISHERIES**

NOAA Fisheries (Pesqueras)

Equity and Environmental Justice Strategy (Estrategia de Equidad y Justicia Medioambiental)

Resumen ejecutivo

NOAA Fisheries trabaja para proporcionarles un servicio equitativo a las partes interesadas, involucrando a las comunidades menos favorecidas en las actividades científicas, la conservación y la gestión de los recursos oceánicos de la nación y su hábitat. Esta estrategia nacional se basa en el trabajo previo de NOAA Fisheries en materia de equidad y justicia medioambiental (EEJ) para ofrecer orientación sobre la incorporación y la priorización de la EEJ en las actividades actuales y futuras que respalden la misión de NOAA Fisheries.

Las actividades científicas, de conservación y gestión de NOAA Fisheries están al servicio de un amplio espectro de comunidades en los Estados Unidos y sus territorios. Al reconocer que no todas comunidades tienen las mismas oportunidades y acceso a los servicios de NOAA Fisheries, hemos identificado tres objetivos generales (Tabla 1). Esta estrategia nacional requiere planes de implementación por etapas e informes de progreso anuales para garantizar mejoras en cinco áreas fundamentales: Política, Investigación, Alcance, Beneficios y Administración. Una sexta área principal, Ambiente empoderante, le brinda al personal de la agencia el apoyo y las herramientas necesarias para implementar cambios (Tabla 1).

La identificación y el reconocimiento de las comunidades menos favorecidas, así como la respuesta a las barreras de acceso que estas enfrentan, permitirán que NOAA Fisheries les ofrezca un servicio más equitativo y efectivo a todas las comunidades. El foco en estos seis objetivos fundamentales dará lugar a una gestión más equitativa de los recursos oceánicos de la nación y su hábitat.

Esta estrategia nacional es el resultado de las orientaciones de órdenes ejecutivas recientes, del Equity Action Plan (Plan de Acción para la Equidad) del Department of Commerce, del Climate Council de NOAA y de la dirección de NOAA Fisheries, así como de la participación activa del personal y de una necesidad clara y creciente demostrada por las comunidades menos favorecidas. Para que quede claro, dicha estrategia no justifica la falta de cambios y no es una renovación superficial de las actividades existentes. Por el contrario, esta estrategia nacional describe el camino que seguirá NOAA Fisheries para incorporar la EEJ en los servicios esenciales que les proporcionamos a todas las partes interesadas.

Tabla 1. Los tres objetivos globales de NOAA Fisheries y los seis objetivos fundamentales de la EEJ

Objetivos de equidad y justicia medioambiental de NOAA Fisheries				
Priorizar la identificación, el abordaje equitativo y la participación significativa de las comunidades menos favorecidas.		Proporcionar servicios equitativos.	Priorizar la EEJ en nuestro trabajo por mandato y misión.	
Objetivos				
<p>Ambiente empoderante: Proporcionar apoyo institucional, lo que incluye las capacitaciones y los recursos necesarios para implementar múltiples acercamientos a la EEJ en NOAA Fisheries. La dirección y la gerencia internas identificarán la EEJ como una prioridad e incentivarán al personal a considerarla en todos los aspectos de su trabajo.</p>				
<p>Incorporación de la equidad y justicia medioambiental en políticas y planes: Garantizar que nuestras políticas promuevan la igualdad de oportunidades para todas las personas y que no creen desigualdades no deseadas ni cargas desiguales para las comunidades desatendidas.</p>	<p>Equidad en la investigación e investigación de la equidad: Identificar a las comunidades menos favorecidas, abordar sus necesidades y evaluar los impactos de las decisiones de la gestión.</p>	<p>Divulgación y participación equitativa: Construir relaciones con las comunidades menos favorecidas para comprender mejor sus necesidades y mejorar el intercambio de información con todas las partes interesadas.</p>	<p>Distribución equitativa de los beneficios: Distribuir los beneficios de forma equitativa entre las partes interesadas de manera que se promueva el acceso a oportunidades por parte de las comunidades menos favorecidas.</p>	<p>Administración inclusiva: Prever la participación significativa de las comunidades menos favorecidas en los procesos de toma de decisiones.</p>

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Lista de acrónimos

CERCLA: Comprehensive Environmental Response, Compensation and Liability Act (Ley Integral de Respuesta, Compensación y Responsabilidad Ambiental)

DOC: Department of Commerce (Departamento de Comercio)

EEJ: Equity and Environmental Justice (Equidad y Justicia Medioambiental)

EJ IWG: Federal Interagency Working Group on Environmental Justice (Grupo de Trabajo Federal Interinstitucional sobre la Justicia Ambiental)

ESA: Endangered Species Act (Ley sobre las Especies en Peligro de Extinción)

HMS: Highly Migratory Species (Especies altamente migratorias)

IN FISH! Programa inclusivo de pasantía de NOAA Fisheries

LGBTQ+: lesbianas, gays, bisexuales, transgénero y queer

MMPA: Marine Mammal Protection Act (Ley de Protección de Mamíferos Marinos)

MREP: Marine Resource Education Program (Programa de Educación sobre los Recursos Marinos)

MSA: Magnuson–Stevens Fishery Conservation and Management Act (Ley Magnuson -Stevens sobre la Administración y Conservación de la Pesca)

NCBO: NOAA Chesapeake Bay Office (Oficina de NOAA de la bahía de Chesapeake)

NEPA: National Environmental Policy Act (Ley Nacional de Política Medioambiental)

NMFS: National Marine Fisheries Service (Servicio Nacional de Pesca Marina)

NOAA Fisheries: National Oceanic and Atmospheric Administration National Marine Fisheries Service (Servicio Nacional de Pesca Marina de la Administración Nacional Oceánica y Atmosférica)

OHC: Office of Habitat Conservation (Oficina de Conservación del Hábitat)

OPA: Oil Pollution Act (Ley de Contaminación Petrolera)

PDS: Policy Directive System (Sistema de Directivas de Políticas)

TEK: Traditional Ecological Knowledge (Conocimiento Ecológico Tradicional)

Introducción

Esta estrategia nacional proporciona orientación para incorporar y priorizar la equidad y justicia medioambiental (EEJ) en las actividades actuales y futuras que respalden la misión de NOAA Fisheries. Si bien, el trabajo de NOAA Fisheries ha incorporado elementos de EEJ, nuestros esfuerzos a la fecha no han logrado el alcance, la magnitud y la duración de los desafíos que enfrentan las comunidades menos favorecidas. En 2021, el presidente Biden firmó las Órdenes Ejecutivas 13985 y 14008 para fomentar la equidad y la justicia medioambiental dentro del gobierno federal y sus iniciativas orientadas hacia el exterior. En respuesta, el Plan Estratégico de los años FY22-26 del Department of Commerce revisó su misión, “para crear las condiciones necesarias para el crecimiento económico y el acceso a oportunidades de parte de todas las comunidades”, y publicó su Equity Action Plan. NOAA Fisheries respondió con la convocatoria de un Grupo de Trabajo de EEJ para mejorar el intercambio de información, coordinar la experiencia interna e informar la implementación de la EEJ. El Grupo de Trabajo de EEJ identificó las actividades actuales de la EEJ (descritas en detalle en el Apéndice 1) y desarrolló este documento como un marco para incluir la EEJ en todo lo que hace NOAA Fisheries, a diario, para cumplir nuestra misión de brindar servicios vitales de forma equitativa para toda la nación. Para implementar esta estrategia se requiere la participación de toda la fuerza de trabajo y todas las oficinas y programas de NOAA Fisheries. Si bien, hay mucho que podemos hacer sin fondos adicionales, para lograr un progreso significativo serán necesarios dichos fondos adicionales, según lo requerido en la Solicitud de Presupuesto para el año FY23.

Definiciones

NOAA Fisheries adopta las siguientes definiciones:

Justicia Medioambiental es el tratamiento justo y la participación significativa de todas las personas, independientemente de la raza, el color, el género, la orientación sexual, la nacionalidad, la religión, la situación de discapacidad o ingresos durante el desarrollo, la implementación y la aplicación de las leyes, normas y políticas medioambientales, incluidas, entre otras:

- Protección equitativa frente a los peligros medioambientales y de la salud;
- Acceso equitativo a los procesos de toma de decisiones; y
- Oportunidades equitativas para las comunidades menos favorecidas que han sido marginadas.*

Equidad es el tratamiento aceptable, justo e imparcial, constante y sistemático de todas las personas, incluso las que pertenecen a comunidades menos favorecidas a quienes se les ha negado dicho tratamiento.**

*Participación significativa** se refiere:

- Las partes interesadas tienen la oportunidad de participar en decisiones sobre actividades que pueden afectar su medio ambiente y su salud.
- La contribución del público fundamenta las decisiones de NOAA Fisheries.
- Las inquietudes de la comunidad se tendrán en cuenta en el proceso de toma de decisiones.
- Las personas encargadas de tomar decisiones buscarán y facilitarán la participación de las partes potencialmente afectadas.

*Partes interesadas** son personas o representantes de organizaciones o grupos de interés que tienen un gran interés en los trabajos y políticas de NOAA Fisheries.

*Público** es la población en general de los Estados Unidos. Muchos segmentos del “público” pueden tener un interés particular o posiblemente se vean afectados por los programas y decisiones de NOAA Fisheries.

Comunidades desatendidas, como se define en la Orden Ejecutiva 13985, se refiere a las comunidades a las que se les ha negado sistemáticamente la oportunidad total de participar en aspectos de la vida económica, social y cívica. Estas incluyen comunidades geográficas así como poblaciones que comparten una característica, historia o identidad determinada. Si se adapta la Orden Ejecutiva 13985, estos grupos podrían incluir, entre otros: mujeres y niñas; personas de raza negra, latina e indígena y los nativos americanos***, los estadounidenses de origen asiático y los isleños del Pacífico y otras personas de color; los miembros de minorías religiosas; las personas lesbianas, gays, bisexuales, transgénero y queer (LGBTQ+); las personas con discapacidad; las personas que viven en zonas rurales, y las personas en situación de pobreza o desigualdad persistente. En relación con el contexto específico de la pesca, los grupos desatendidos dentro de las comunidades pesqueras pueden incluir, por ejemplo, a los participantes de la pesca para la subsistencia y sus dependientes, tripulaciones de barcos pesqueros y, trabajadores del proceso y distribución de la pesca. Finalmente, las comunidades de pesca territorial (lo que incluye a Samoa Estadounidense, Guam, la Mancomunidad de las Islas Marianas del Norte, Puerto Rico y las Islas Vírgenes Estadounidenses) también se pueden categorizar como desatendidas. Las comunidades desatendidas varían según la región y las barreras que enfrentan. Además, muchas de estas categorías de comunidades se entrecruzan. Por lo tanto, la identificación y la participación significativa de las comunidades desatendidas será un proceso regional específico y continuo que requerirá un compromiso a largo plazo.

Cambio climático es el cambio de las condiciones oceánicas y atmosféricas a largo plazo, lo que resulta en un aumento de temperatura, elevación del nivel del mar, y cambios en los patrones climáticos como sequías, inundaciones y frecuencia o duración de las tormentas. La NOAA identifica el cambio climático como un problema de EEJ porque sus impactos se experimentan de manera desigual en todo el país: las desigualdades socioeconómicas de larga data pueden hacer que las comunidades desatendidas, que a menudo tienen la mayor exposición a los peligros y la menor cantidad de recursos para responder a estos, sean más vulnerables. Tal como se describe en Climate Science Strategy Five Year Progress Report de NOAA Fisheries (2021), las comunidades pesqueras pueden ser especialmente vulnerables a la elevación del nivel del mar, la pérdida de la abundancia y diversidad de la pesca, y los impactos resultantes en su economía local.

Diversidad, equidad, inclusión y accesibilidad

NOAA Fisheries se esfuerza para erradicar la discriminación en nuestros programas y políticas, identificar y reducir las barreras hacia la equidad y ser inclusivos con todas las comunidades afectadas por el trabajo de NOAA Fisheries. Esta estrategia de EEJ se centra en el avance de la justicia medioambiental y la atención equitativa de todas las comunidades desatendidas a través de los servicios y políticas externos de NOAA Fisheries. La correcta implementación de esta estrategia dependerá, parcialmente, del progreso continuo hacia una fuerza laboral diversa e inclusiva de NOAA Fisheries. Los esfuerzos internos en cuanto a la diversidad, equidad, inclusión y accesibilidad de NOAA Fisheries se centran en cultivar una fuerza laboral diversa para reflejar, comprender y responder a las diversas comunidades con las que trabajamos, incluidas las comunidades desatendidas, como se describe en el [NOAA Fisheries Diversity and Inclusion Strategic Plan](#) para 2022- 2025 y como se describe en la [Orden Ejecutiva 14035](#). Aquí, la diversidad abarca la nacionalidad, el idioma, la raza, el color, las capacidades, el origen étnico, el género, la edad, la religión y la orientación sexual, entre otros factores. La inclusión se refiere a un tratamiento, acceso, oportunidades y avance equitativo de todos los empleados.

* adaptado de la definición de la [Environmental Protection Agency](#)

** como se define en la [Orden Ejecutiva 13985](#)

*** El gobierno federal de los Estados Unidos tiene pautas específicas para las relaciones con las Tribus reconocidas a nivel federal. Esta Equity and Environmental Justice Strategy no modifica ni afecta dicha responsabilidad de ninguna manera. Consulte la [Orden Ejecutiva 13175](#) (Consulta y Coordinación con los Gobiernos Tribales Indígenas), que ordena a las agencias federales a “tener un proceso de rendición de cuentas para garantizar los aportes significativos y oportunos de los funcionarios tribales en el desarrollo de políticas reglamentarias que tengan implicaciones para las Tribus” Consulte también [NOAA Procedures for Government-to-Government Consultation with Federally Recognized Indian Tribes and Alaska Native Corporations](#) (Procedimientos de la NOAA para la consulta de Gobierno a Gobierno con las Tribus Indígenas reconocidas a nivel federal y las Corporaciones nativas de Alaska) que guían el trabajo de NOAA Fisheries con las Tribus reconocidas a nivel federal.

Misión de administración de NOAA Fisheries

NOAA Fisheries¹ es responsable de la administración de los recursos oceánicos de la Nación y sus hábitats. Con el respaldo de una ciencia sólida, NOAA Fisheries provee servicios vitales a la Nación, lo que incluye garantizar una industria pesquera productiva y sostenible, fuentes seguras de productos del mar, la conservación y recuperación de recursos protegidos, y la protección y restauración de ecosistemas. El trabajo de NOAA Fisheries impacta de forma

¹ Conocida de manera informal como NOAA Fisheries, el nombre oficial de la agencia encargada de la legislación y reglamentación es el National Marine Fisheries Service (NMFS).

directa en las oportunidades económicas, la salud y el medioambiente de muchas comunidades, incluidas las comunidades desatendidas.

Disposiciones de Equidad y Justicia Ambiental

Los programas y políticas del Gobierno pueden jugar un rol importante en el avance de la justicia medioambiental y la distribución equitativa de servicios para las personas, familias, empresas y comunidades. Reconociendo esto, se han emitido órdenes ejecutivas para promover la EEJ dentro del gobierno federal y guiar la forma en que NOAA Fisheries y otras agencias federales implementan su misión. La EEJ es una prioridad para la Administración, y muchos grupos entre agencias están actualizando las métricas, definiciones y enfoques que se incorporarán a esta estrategia a medida que estén disponibles.

La [Orden Ejecutiva 13985](#) (Promoción de la equidad racial y el apoyo a las comunidades desatendidas a través del gobierno federal), firmada en 2021, establece

... el gobierno federal debe buscar un enfoque integral para el avance de la equidad para todas las personas, incluidas las personas de color y aquellas personas que han sido desatendidas, marginadas y afectadas de manera adversa a lo largo de la historia por la pobreza y desigualdad persistente. Promover afirmativamente la equidad, los derechos civiles, la justicia racial y la igualdad de oportunidades es responsabilidad de todo nuestro Gobierno. Debido a que promover la equidad requiere un enfoque sistemático para incorporar la equidad en los procesos de toma de decisiones, los departamentos ejecutivos y las agencias (agencias) deben reconocer las desigualdades en sus políticas y programas que sirven como barreras para la igualdad de oportunidades y trabajar para corregirlas.

También firmada en 2021, la [Orden Ejecutiva 14008](#) (*Hacer frente a la crisis climática en el país y en el extranjero*) ordena a las agencias federales que

hagan que el logro de la justicia medioambiental sea parte de sus misiones mediante el desarrollo de programas, políticas y actividades que aborden los impactos desproporcionadamente altos y adversos en la salud humana, del medio ambiente, el clima y otros impactos acumulativos en las comunidades desfavorecidas, así como los desafíos económicos que acompañan a dichos impactos.

El White House Environmental Justice Advisory Council se estableció mediante la Orden Ejecutiva 14008. El EJ Advisory Council recomienda que cada agencia cree una tarjeta de puntuación de justicia ambiental para hacer un seguimiento de los impactos reglamentarios y los beneficios para las comunidades desfavorecidas. Las recomendaciones de la tarjeta de puntuación incluyen: evaluar el acceso a los beneficios y su distribución; hacer un seguimiento de los fondos federales; establecer comentarios iterativos y bidireccionales; involucrar al personal de la agencia; documentar las cargas potenciales; e identificar objetivos a corto y largo plazo.

La [Orden Ejecutiva 12898](#) (*Acciones Federales para Abordar la Justicia Ambiental en Poblaciones Minoritarias y Poblaciones de Bajos Ingresos*), firmada en 1994, ordena a cada agencia federal, “[en] la mayor medida posible y permitida por la ley...” identificar y abordar, según corresponda, los efectos desproporcionadamente altos y adversos para la salud humana o el medio ambiente de sus acciones en las poblaciones minoritarias y de bajos ingresos.

El Equity Action Plan (2022) del Department of Commerce sienta las bases para la programación y las políticas que llegarán a una audiencia más grande y diversa, y abordarán las principales barreras para el éxito económico de las comunidades históricamente desatendidas. Los objetivos del plan incluyen: facilitar el acceso a los servicios, la ciencia y los datos para las comunidades desatendidas, garantizar que los beneficios y la financiación promuevan la equidad

racial y apoyen a las comunidades desatendidas, y brindar oportunidades económicas a las comunidades desatendidas mediante la institucionalización de la equidad a largo plazo. Estos objetivos necesitan sistemas que recopilen datos cuantitativos y cualitativos para medir el progreso de la equidad y un lugar de trabajo más diverso, inclusivo, equitativo y accesible.

La Estrategia de Justicia Ambiental (2012) del DOC delineó los siguientes "Principios rectores de la justicia ambiental":

- Se debe proporcionar oportunidades significativas a la población para que participen en la formulación, diseño y ejecución de programas, políticas y actividades departamentales.
- Las Tribus deberán, de gobierno a gobierno, recibir consultas regulares y significativas y oportunidades de colaboración en el desarrollo de las políticas del Departamento que tengan implicaciones tribales (ver Orden Ejecutiva 13175).
- Todas las poblaciones deberían compartir (y no se les excluye de) los beneficios de los programas, las políticas y las actividades del Departamento, que afecten la salud humana o el medio ambiente.
- Ninguna población debe verse afectada de manera desproporcionadamente alta y adversa por los programas, las políticas o las actividades de la agencia que afecten la salud humana o el medio ambiente.
- El Departamento participará de las actividades de justicia medioambiental de manera transparente y responsable.

Además de estas disposiciones, también se alienta y prioriza la EEJ también conforme a una serie de estatutos federales que rigen el trabajo de NOAA Fisheries con algunas comunidades desatendidas (que se describen en detalle en el Apéndice 2). Las disposiciones de estas leyes alientan explícitamente la EEJ o permiten que NOAA Fisheries aborde la EEJ según nuestro criterio en conformidad con las autoridades existentes en cuanto a nuestra planificación, políticas y reglamentaciones a medida que cumplimos con nuestras obligaciones de conservación y gestión. NOAA Fisheries se esfuerza para hacer que los procesos de toma de decisiones sean accesibles y transparentes para el público, y para ayudar a las partes interesadas a comprender y participar en las decisiones federales que podrían afectar sus medios de vida y sus comunidades.

Barreras para la Equidad y la Justicia Ambiental

Como administrador de los recursos y hábitats de los océanos de la nación, el trabajo de NOAA Fisheries afecta a las comunidades desatendidas que dependen de los ecosistemas marinos para su bienestar ambiental, económico, social y cultural. Sin embargo, las comunidades desatendidas experimentan barreras que les impiden recibir un tratamiento justo y participar significativamente del trabajo de NOAA Fisheries. Las barreras que enfrentan las comunidades desatendidas a menudo se interrelacionan pero varían según la historia, las características y las necesidades de la comunidad. A continuación, identificamos algunas barreras comunes.

1. Desconocimiento de las comunidades desatendidas

La primera barrera de la EEJ dentro de NOAA Fisheries es que no hemos identificado completamente a las comunidades desatendidas que se ven afectadas por nuestro trabajo. Esta supervisión afecta a quienes se consideran partes interesadas de NOAA Fisheries, a las personas para quienes se diseña la investigación y la supervisión, y quienes conocen y reciben los servicios. Sin el reconocimiento de las comunidades desatendidas, no se pueden documentar ni resolver sus necesidades.

2. Barreras estructurales

Las comunidades desatendidas pueden enfrentar barreras estructurales (p. ej., leyes, reglamentaciones y políticas) que evitan el acceso equitativo a los recursos o a los servicios de NOAA Fisheries. Por ejemplo, los criterios para la asignación de recursos pueden basarse en la propiedad histórica, crear servicios para la mayor cantidad de personas, generar los mayores beneficios netos o priorizar segmentos comerciales de la pesca, lo cual puede excluir a las comunidades desatendidas.

3. Barreras para acceder a los servicios

Las comunidades desatendidas pueden experimentar barreras para acceder a los servicios de NOAA Fisheries debido a las diferencias de idioma o las dificultades para asistir a las reuniones de la NOAA a causa de los lugares de reunión, horarios o costos del viaje. Además, las disposiciones y los protocolos de gestión pueden ser contrarios a la toma de decisiones culturales y las prácticas de asignación de algunas comunidades desatendidas.

4. Complejidad del sistema

La complejidad para acceder a los servicios federales puede inhibir la inclusión de las partes interesadas, especialmente de quienes no han recibido previamente tales servicios. Los sistemas de solicitud de beneficios pueden ser difíciles de recorrer y requerir un conocimiento especial.

5. Brechas en el conocimiento

Nuestra habilidad para identificar, caracterizar y atender a todas las comunidades de forma equitativa requiere que se priorice la investigación llevada a cabo por antropólogos, sociólogos, geógrafos, economistas y científicos sociales interdisciplinarios. De manera similar, el personal de educación y divulgación es limitado y no tiene los recursos para comprometerse con todas las comunidades en todos los temas. Tampoco tenemos personal en la ubicación geográfica ni con la alfabetización cultural y de lenguaje que se necesita para involucrar a muchas de nuestras comunidades desatendidas.

6. Brechas en la representación

Las comunidades desatendidas no están bien representadas en los Consejos regionales de gestión pesquera establecidos conforme a MSA o en los paneles asesores asociados con esos consejos. Las comunidades desatendidas tampoco están bien representadas en la fuerza laboral de NOAA Fisheries, lo que lleva a la falta de conciencia mencionada anteriormente y a brechas fundamentales en las perspectivas. El personal puede priorizar inconscientemente a sus propias comunidades debido a la familiaridad, el fácil acceso y las rutas de comunicación preexistentes.

Enfoque de NOAA Fisheries hacia EEJ

Para abordar las barreras que enfrentan las comunidades desatendidas, el Grupo de Trabajo de la EEJ de NOAA Fisheries desarrolló un marco que incluye objetivos a largo y a corto plazo, según la recomendación del White House EJ Advisory Council. Estas metas y objetivos interactúan para crear los procesos de capacidad y responsabilidad necesarios para promover la EEJ dentro de la agencia, como lo recomienda el Equity Action Plan del DOC.

Metas a largo plazo

1. Priorizar la identificación, el abordaje equitativo y la participación significativa de las comunidades menos favorecidas.
2. Proporcionar una prestación de servicios equitativa de NOAA Fisheries.
3. Priorizar la EEJ en nuestro trabajo por mandato y misión.

Para lograr estos objetivos, cada programa nacional (p. ej., Office of Protected Resources, Office of Habitat Conservation, etc.) y región geográfica (p. ej., Sudeste, Islas del Pacífico, etc.) crearán un plan de implementación gradual de EEJ (posiblemente como parte de sus [NOAA Fisheries Geographic Strategic Plans](#) para el año fiscal 2023-2028) que sea específico y responda a las necesidades de las comunidades desatendidas y permita el aporte de dichas comunidades. Cada programa, centro de ciencias y oficina regional establecerá la EEJ como áreas de prioridad o hitos en la planificación estratégica anual que comienza en el Año FY2023. Las oficinas del programa nacional coordinarán con las oficinas regionales y centros e ciencias para establecer la propiedad de los objetivos compartidos. Los planes de implementación incluirán métricas que describan las acciones de la EEJ y el progreso se informará públicamente de forma anual. Para realizar un seguimiento del progreso hacia nuestros objetivos, NOAA Fisheries evaluará estos informes anuales mediante una tarjeta de puntuación de EEJ que incluye las métricas recomendadas por el White House EJ Advisory Council (p. ej., acceso y distribución de beneficios y fondos, comentarios de comunidades desatendidas, seguimiento de financiamiento federal, compromiso del personal y documentación de las cargas reglamentarias). Actualmente, estas métricas están en revisión en el gobierno federal; dependiendo de la disponibilidad, las métricas finales se incorporarán a la tarjeta de puntuación de EEJ de NOAA Fisheries.

Objetivos a corto plazo

Para ofrecer coherencia en el desarrollo de los planes regionales o programáticos, el Grupo de Trabajo de EEJ de NOAA Fisheries ha identificado seis objetivos de EEJ (Tabla 1). En las secciones a continuación, explicamos cada objetivo y su rol en el compromiso de NOAA Fisheries con la EEJ y proporcionamos preguntas de orientación para tener en cuenta al desarrollar planes regionales o programáticos para el trabajo diario de NOAA Fisheries. Muchas de estas preguntas demuestran la necesidad de realizar trabajo adicional de EEJ en un área particular. Estas necesidades se ven reflejadas en un resumen de acciones, métricas y recursos necesarios para implementar cada objetivo. Estas métricas de EEJ se actualizarán si el White House EJ Advisory Council, DOC, y NOAA brindan más orientación.

Ambiente empoderante

Objetivo: Proporcionar apoyo institucional, lo que incluye las capacitaciones y los recursos necesarios para implementar los múltiples enfoques de la EEJ en NOAA Fisheries. La dirección y la administración internas identificarán la EEJ como una prioridad e incentivarán al personal a considerarla en todos los aspectos de su trabajo.

Para implementar esta estrategia es imperativo que la dirección y la administración creen un entorno de empoderamiento. Esto significa identificar la EEJ como prioridad al permitir que los empleados integren de manera significativa las consideraciones de la EEJ en su trabajo diario y respaldar esto a través de un mayor conocimiento de la EEJ dentro de la fuerza laboral de NOAA Fisheries. Como indicó el White House EJ Advisory Council, “La cultura profesional administrativa y de la agencia debe alentar e incentivar al personal a reflexionar y compartir las lecciones aprendidas”. Esto también debe apoyarse desde un enfoque de múltiples escalas incluido el trabajo continuo del Grupo de Trabajo nacional de la EEJ de NOAA Fisheries, así como los grupos de trabajo regionales de la EEJ para desarrollar planes específicos regionales.

Las necesidades básicas compartidas entre los múltiples objetivos incluyen:

- Capacitación sobre EEJ
- Tiempo del personal
- Conocimiento del personal
- Enlaces comunitarios
- Recopilación, análisis e informe de datos demográficos
- Colaboración con otras agencias
- Servicios de traducción de idiomas

Preguntas de orientación

- ¿Cómo pueden la dirección y la fuerza laboral de NOAA Fisheries reflejar mejor la diversidad de las comunidades a las que servimos?
- ¿Cómo debemos diversificar la experiencia disciplinaria necesaria para tratar la EEJ en nuestro trabajo?
- ¿Se le da al personal el tiempo, los recursos, la capacitación y la orientación de experiencia adecuados para incorporar la EEJ en su trabajo?
- ¿Qué estructuras de rendición de cuentas necesita NOAA Fisheries, p. ej., un compromiso con el seguimiento y la evaluación de las métricas de la EEJ y la incorporación del trabajo de la EEJ en los planes de desempeño?
- ¿Qué datos y recursos necesita el personal para identificar a las comunidades desatendidas que fueron afectadas por su trabajo, así como la capacitación y las herramientas necesarias para promover la EEJ en ese trabajo?

Tabla 2: Ambiente empoderante, áreas de acción y métricas propuestas

Acción	Mecanismos/métricas posibles	Recursos necesarios
<p>1. La dirección en todos los niveles comunica sobre la EEJ al personal y prioriza la EEJ en los planes estratégicos y los documentos de prioridades anuales de NOAA Fisheries.</p>	<ul style="list-style-type: none"> • Diversos programas con objetivos de EEJ • Porcentaje de objetivos alcanzados 	<ul style="list-style-type: none"> • Apoyo de la dirección • Capacitación sobre EEJ
<p>2. Incluir los roles de servicio colateral de EEJ en los planes de desempeño del personal que correspondan, incluidas las métricas para la rendición de cuentas</p>	<ul style="list-style-type: none"> • Porcentaje de personal aplicable con la EEJ incluida en planes de desempeño • Trabajo de EEJ incluido en los criterios de puntuación de promoción para el personal apropiado 	<ul style="list-style-type: none"> • Apoyo de la dirección • Idioma que se sugiere
<p>3. Incluir los roles de servicio colateral de la EEJ en las declaraciones de trabajo de desempeño de los contratos con trabajo que interactúa con las partes interesadas externas, incluidas las métricas para la rendición de cuentas</p>	<ul style="list-style-type: none"> • Porcentaje de contratos aplicables con la EEJ incluida en las declaraciones de rendimiento de trabajo 	<ul style="list-style-type: none"> • Apoyo a la dirección, a los responsables de proyectos y al personal de contratación • Idioma que se sugiere
<p>4. Brindar oportunidades de capacitación atractivas y significativas dirigidas al personal y a la dirección para ayudar a desarrollar una comprensión compartida de los conceptos de la EEJ y cómo implementar estos conceptos en su trabajo. (Como el “Environmental Justice Learning Center” de la Environmental Protection Agency)</p>	<ul style="list-style-type: none"> • Cantidad y porcentaje de personal capacitado 	<ul style="list-style-type: none"> • Materiales de capacitación de EEJ y fondos para el instructor • Tiempo actual del personal
<p>5. Apoyar la continuación del Grupo de Trabajo de la EEJ nacional de NOAA Fisheries, con representación de cada suboficina. El Grupo de Trabajo debe continuar reuniéndose para compartir información sobre enfoques exitosos, colaborar en la divulgación e inclusión de destinatarios comunes y guiar la toma de decisiones de NOAA Fisheries.</p>	<ul style="list-style-type: none"> • Número de oficinas representadas en reuniones ordinarias 	<ul style="list-style-type: none"> • Tiempo actual del personal
<p>6. Establecer Grupos de trabajo regionales/programas de EEJ</p>	<ul style="list-style-type: none"> • Grupos de trabajo regionales/programas de EEJ 	<ul style="list-style-type: none"> • Tiempo actual del personal

<p>7. Construir infraestructura interna para priorizar e implementar la EEJ: crear “oficinas de campo” con personal de enlace (con prioridad en el conocimiento e idioma local) para facilitar las relaciones, las reuniones públicas, la investigación (ciencias sociales y biológicas), la supervisión, etc.</p>	<ul style="list-style-type: none"> • Personal de campo con conocimiento del idioma y la cultura local • Reuniones en persona, o decisiones sobre el lugar y la plataforma que dan prioridad a las comunidades desatendidas. 	<ul style="list-style-type: none"> • Enlaces comunitarios de EEJ • Oficinas de campo • Capacitación sobre EEJ
<p>8. Brindar capacitación sobre las metas y objetivos de EEJ de NOAA Fisheries para los miembros del Consejo u otros órganos asesores</p>	<ul style="list-style-type: none"> • Cantidad de capacitaciones proporcionadas • Comentarios de las personas capacitadas sobre la eficacia 	<ul style="list-style-type: none"> • Tiempo actual del personal
<p>9. Capacitación obligatoria para todos los revisores de subvenciones sobre cómo mitigar los tipos de sesgo que probablemente perjudican a las comunidades desatendidas al revisar las solicitudes</p>	<ul style="list-style-type: none"> • Número y porcentaje de revisores de subvenciones capacitados 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ

Incorporación de la equidad y justicia medioambiental en políticas y planes

Objetivo: Garantizar que nuestras políticas promuevan la igualdad de oportunidades para todas las personas y que no creen desigualdades no deseadas ni cargas desiguales para las comunidades desatendidas.

NOAA Fisheries debe cumplir con los requisitos de las leyes promulgadas por el Congreso, que pueden tener un gran impacto en las partes interesadas, especialmente en las comunidades desatendidas. De acuerdo con sus mandatos legales, NOAA Fisheries emite políticas, estrategias y regulaciones para implementar su misión. A veces, estamos obligados a tomar determinaciones basadas únicamente en la mejor información científica disponible, como la lista de especies según la Endangered Species Act. Sin embargo, algunas secciones de algunas leyes permiten consideraciones de la EEJ en su implementación, y algunos planes dependen totalmente de los aportes y la participación de las comunidades a las que se dirigen. Por ejemplo, [la planificación de resiliencia ante el cambio climático](#) requiere el conocimiento y la participación de las comunidades pesqueras para evaluar y abordar los impactos de las condiciones oceánicas cambiantes. Por lo tanto, en la medida en que lo permita la ley correspondiente, las actividades de políticas y planificación de la EEJ consideran los impactos y la capacidad de respuesta de los programas de NOAA Fisheries para las comunidades desatendidas y buscan oportunidades para desarrollar conjuntamente iniciativas de gestión, conservación y administración con dichas comunidades.

Como se establece en la Orden Ejecutiva 13985, las disparidades arraigadas en las políticas públicas han negado la igualdad de oportunidades a algunas personas y comunidades. Estas disparidades incluyen decisiones políticas pasadas y actuales de NOAA Fisheries que pueden haber exacerbado una distribución desigual de los recursos económicos, sociales y culturales. Por ejemplo, la asignación de los recursos pesqueros es un tema complejo debido a la historia y la tradición del acceso, las percepciones de equidad que surgen con las decisiones de asignación y las diferencias en los valores económicos y sociales que los grupos de usuarios en competencia asignan a esos recursos.

Al considerar más sistemáticamente la EEJ en las políticas y las actividades de planificación de NOAA Fisheries, podemos mejorar la equidad en la prestación de servicios. Cuando sea posible y apropiado, NOAA Fisheries puede incluir disposiciones para reducir las barreras y mejorar los servicios a las comunidades desatendidas para institucionalizar la equidad a largo plazo.

Preguntas de orientación

- ¿Cómo puede NOAA Fisheries incluir mejor la equidad para las comunidades desatendidas en las políticas y la orientación interna?
- ¿Cómo revisará NOAA Fisheries las políticas y los procedimientos existentes con los lentes de EEJ para que puedan ser refinados o revisados para garantizar resultados más equitativos?
- ¿Cómo puede NOAA Fisheries diseñar o revisar políticas y procedimientos de una manera que garantice que sean útiles y claros para las comunidades desatendidas?
- ¿Qué flexibilidad adicional podemos proporcionar en las políticas y procedimientos de NOAA Fisheries para incorporar el idioma, las costumbres y los conocimientos locales relevantes?

Tabla 3: Incorporar la equidad y justicia medioambiental en políticas y planes, áreas de acción y métricas propuestas

Acción	Mecanismos/métricas posibles	Recursos necesarios
<p>1. Proporcionar orientación sobre cómo las nuevas políticas y planes de NOAA Fisheries con respecto a nuestro trabajo externo deben considerar los objetivos de la EEJ</p>	<ul style="list-style-type: none"> • Porcentaje de políticas y planes que incluyen objetivos de EEJ 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ
<p>2. Proporcionar orientación que indique que durante la revisión periódica de cada directiva de NOAA Fisheries del Policy Directive System (PDS), la revisión incluya: lenguaje apropiado, mensajes claros, accesibilidad y consideración de EEJ, comunidades, idioma local, costumbres y conocimiento tradicional</p>	<ul style="list-style-type: none"> • Porcentaje de directivas de PDS aplicables que incluyen consideraciones de la EEJ 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ
<p>3. Llevar a cabo una revisión de los principales procesos reglamentarios de NOAA Fisheries (pesca, recursos protegidos, conservación de hábitats y acuicultura) para determinar si pueden ser necesarias nuevas políticas, reglamentaciones o documentos de orientación para promover la EEJ en las acciones y programas de NOAA Fisheries</p>	<ul style="list-style-type: none"> • Número de revisiones de procesos regulatorios completadas • Número de procesos regulatorios actualizados según la revisión 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ
<p>4. Desarrollar programas, políticas y actividades para abordar los impactos ambientales, relacionados con el clima y otros impactos acumulativos desproporcionadamente altos y adversos en las comunidades desatendidas, así como los desafíos económicos y de seguridad alimentaria que acompañan a dichos impactos</p>	<ul style="list-style-type: none"> • Número de programas, políticas y actividades que tratan los impactos del cambio climático en las comunidades desatendidas 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ

Investigación y supervisión para la equidad

Objetivo: Identificar a las comunidades desatendidas, abordar sus necesidades y evaluar los impactos de las decisiones de la gestión.

NOAA Fisheries utiliza los mejores datos científicos e información disponibles para orientar y adaptar sus decisiones administrativas. La investigación y la supervisión abarcan la recopilación y el análisis de datos en apoyo de la misión de NOAA Fisheries en una amplia gama de áreas biológicas, oceanográficas, ecológicas, sociales, culturales y económicas. Esto permite la comprensión de NOAA Fisheries sobre 1) la condición a corto y largo plazo de nuestros ecosistemas costeros y marinos y 2) la identificación, el papel y la caracterización de los humanos que dependen de esos ecosistemas o interactúan con ellos.

La investigación y la supervisión son cruciales para las iniciativas de EEJ por dos razones principales. En primer lugar, la EEJ prioriza la investigación y la supervisión social, cultural y económica (humana) necesarias para identificar y caracterizar a las comunidades desatendidas y comprender cómo se ven afectadas por las decisiones de NOAA Fisheries sobre los recursos, los medios de vida, la cultura y la seguridad alimentaria. Los métodos para identificar a las comunidades desatendidas deberán ser adecuadas para una región, programa o área de proyecto determinadas. Los científicos sociales podrían usar, entre otros, herramientas de mapeo basadas en censos, información específica del sitio del personal regional, información de socios y beneficiarios del proyecto, y la consulta comunitaria. Estas actividades proporcionan los datos necesarios para fundamentar políticas que garanticen los beneficios sociales de que los recursos oceánicos y costeros se comparten equitativamente. La recopilación y el análisis de información demográfica sobre las personas que actualmente participan y se ven afectadas o se benefician de los programas y la gestión de NOAA Fisheries también será esencial para supervisar nuestro progreso hacia la EEJ, como lo recomienda el Equity Action Plan del DOC.

En segundo lugar, EEJ también requiere una participación significativa de las comunidades desatendidas en la investigación y la supervisión biológica (no humana). La participación significativa incluye el compromiso temprano con las comunidades desatendidas para identificar prioridades compartidas que satisfagan sus necesidades y cumplan la misión de NOAA Fisheries. La participación significativa también incluye la participación de las comunidades desatendidas durante la recopilación y el informe de datos, para garantizar que los hallazgos sean apropiados y accesibles. Por ejemplo, la investigación sobre el cambio climático de NOAA Fisheries busca información sobre los impactos del cambio climático en la industria pesquera y las comunidades dependientes de la pesca para desarrollar planes de resiliencia.

Preguntas de orientación

- ¿Qué investigación necesitamos hacer para identificar a las comunidades desatendidas?
- ¿Cómo puede NOAA Fisheries comprometerse mejor con las comunidades desatendidas para identificar, desarrollar y generar conjuntamente las prioridades de investigación y supervisión en el lugar?
- ¿Cómo podemos reducir el sesgo en la investigación en ciencias sociales?²
- ¿Cómo puede NOAA Fisheries ampliar la participación de los miembros de las comunidades desatendidas en proyectos de investigación y supervisión?

² El muestreo incluye la investigación en ciencias sociales, pero también cualquier otra situación en la que se utilice la consulta comunitaria como información.

- ¿Cómo asignará NOAA Fisheries de manera más equitativa los recursos de investigación y supervisión para identificar y caracterizar a las comunidades desatendidas, comprender sus necesidades y utilizar los hallazgos para guiar de manera efectiva las decisiones de gestión que las afectan?
- ¿Cómo puede NOAA Fisheries asignar de manera más equitativa nuestros recursos de investigación y supervisión a la ciencia de la pesca, el hábitat y las especies protegidas que afectan directamente a las comunidades desatendidas?
- ¿Cómo puede NOAA Fisheries mejorar nuestra comprensión del impacto de nuestras acciones reglamentarias en las comunidades desatendidas?
- ¿NOAA Fisheries utiliza las mejores prácticas para trabajar con las comunidades en la integración del conocimiento ecológico tradicional en la estructura de investigación, la recopilación de datos y el informe de datos?
- ¿Cómo puede NOAA Fisheries hacer que la comunicación científica sea más accesible y comprensible para una audiencia diversa, incluidas las comunidades desatendidas?

Tabla 4: Investigación y supervisión de equidad, áreas de acción y métricas propuestas

Acción	Mecanismos/métricas posibles	Recursos necesarios
<p>1. Participación significativa de las comunidades desatendidas a lo largo del proceso de investigación. Esto incluye el desarrollo conjunto y la producción conjunta de investigación y supervisión para la caracterización de comunidades e indicadores sociales, pesca, acuicultura, especies protegidas y restauración de hábitats.</p>	<ul style="list-style-type: none"> • Participación temprana de las comunidades desatendidas para producir en conjunto investigaciones y supervisar las prioridades (Enlaces a Divulgación y participación) • Participación de miembros de la comunidad desatendida en el proceso de recopilación de datos. • Comunicación de los resultados a las comunidades desatendidas • Porcentaje de proyectos que involucran a miembros de comunidades desatendidas durante la planificación, el trabajo de campo y la elaboración de informes • Número de proyectos de investigación y supervisión que involucran de forma significativa a las comunidades desatendidas • Satisfacción de la comunidad desatendida con el proceso de investigación y supervisión de NOAA Fisheries 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ • Fondos destinados al pago de los participantes del estudio

<p>2. Identificar y caracterizar a las comunidades desatendidas con prioridad en la investigación social, cultural, económica y demográfica.</p>	<ul style="list-style-type: none"> • Priorizar la investigación social y económica de la EEJ mediante el apoyo a la experiencia interna [capital humano] • Priorizar la alfabetización cultural para involucrarse de manera efectiva y adecuada con las comunidades desatendidas (Enlaces a Divulgación y participación) • Número de fuentes de datos y proyectos de investigación que caracterizan a las comunidades desatendidas 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ • Aprobación de OMB
<p>3. Analizar los impactos sociales, culturales y económicos de los servicios de NOAA Fisheries y las decisiones administrativas (p. ej., pesca, especies protegidas y conservación del hábitat) en las comunidades desatendidas.</p>	<ul style="list-style-type: none"> • Número de informes que integran los impactos social, cultural y económico para las comunidades desatendidas. 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ
<p>4. Incluir conocimientos ecológicos locales y tradicionales³ en la ciencia basada en la pesca, el clima y los ecosistemas.</p>	<ul style="list-style-type: none"> • Cantidad de proyectos y productos de gestión basada en el clima y los ecosistemas que incorporan conocimientos ecológicos locales y tradicionales en su recopilación de datos y presentación de informes 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ
<p>5. Producción y desarrollo conjuntos (es decir, participación significativa de los representantes de la pesca y la acuicultura de las comunidades desatendidas) en los procesos de evaluación y asignación de las poblaciones de pesca y cultivo.</p>	<ul style="list-style-type: none"> • Diversidad y número de representantes de la pesca y la acuicultura marina de comunidades desatendidas que participan en los procesos de evaluación de poblaciones. • Número de talleres de datos comunitarios • Satisfacción de la comunidad desatendida con los procesos de evaluación de las poblaciones pesqueras de la NOAA 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ • Enlaces comunitarios de EEJ
<p>6. Desarrollar una metodología de encuestas e informes para estimar el valor que las comunidades desatendidas reciben de su</p>	<ul style="list-style-type: none"> • Publicación de la metodología de informe 	<ul style="list-style-type: none"> • Tiempo actual del personal

³Para obtener más información, consulte [la Guía y las mejores prácticas para involucrar e incorporar el conocimiento ecológico tradicional en la toma de decisiones del NOAA Fisheries and National Ocean Service](#).

<p>uso de los recursos marinos vivos (incluido el valor de no explotación).</p>		
<p>7. Llevar a cabo un análisis de las barreras que enfrentan las comunidades desatendidas para ingresar a los programas de pesca y acuicultura marina (p. ej., costo, cultivo y estructura de administración) e identificar posibles cambios en las políticas.</p>	<ul style="list-style-type: none"> • Porcentaje de programas pesqueros para los que se realiza un análisis de barreras y se identifican cambios en las políticas 	<ul style="list-style-type: none"> • Tiempo actual del personal
<p>8. Investigación elaborada y desarrollada en conjunto sobre los patrones de consumo de las comunidades que dependen principalmente del pescado y la vida silvestre para su subsistencia. Comunicar al público los riesgos y beneficios de esos patrones de consumo (Orden Ejecutiva 12898).</p>	<ul style="list-style-type: none"> • Número de informes producidos 	<ul style="list-style-type: none"> • Tiempo actual del personal
<p>9. Promover y mejorar la ciencia territorial de la pesca y el apoyo a la administración a través de investigaciones y aplicaciones desarrolladas y producidas en conjunto que permitan una mejor evaluación y apoyo de las agencias locales de administración de la pesca.</p>	<ul style="list-style-type: none"> • Evaluaciones conjuntas de poblaciones elaboradas en conjunto • Cantidad de puestos financiados • Cantidad de proyectos financiados 	<ul style="list-style-type: none"> • Fondos adicionales, según lo solicitado para el año FY23
<p>10. Ampliar la Caja de Herramientas de Indicadores de Vulnerabilidad Social Comunitaria para incluir nuevas métricas que consideren la justicia ambiental, las preocupaciones sobre el cambio climático y la equidad racial en las comunidades costeras desatendidas.</p>	<ul style="list-style-type: none"> • Número de métricas nuevas 	<ul style="list-style-type: none"> • Fondos adicionales, según lo solicitado para el año FY23 • Capacitación sobre EEJ

Divulgación y participación equitativa

Objetivo: Construir relaciones con las comunidades desatendidas para comprender mejor sus necesidades y mejorar el intercambio de información con todas las partes interesadas.

NOAA Fisheries comparte información y construye relaciones con comunidades desatendidas a través de la divulgación y la participación, que incluyen: programas de educación para estudiantes, pasantías y una variedad de productos de comunicación para compartir información y conocimiento. Participar en el intercambio de información bidireccional con las partes interesadas y los socios es fundamental para el éxito, y utilizaremos los aportes de las comunidades desatendidas para mejorar este proceso.

La divulgación y la participación efectivas deben ser sumamente personalizadas, consistentes, a largo plazo y flexibles. También requieren habilidades, conocimiento y tiempo. NOAA Fisheries puede aumentar la coordinación y la comunicación con las comunidades desatendidas al pedir la opinión de los miembros de la comunidad, utilizando esas opiniones para dirigir acciones, participar temprano, priorizar la alfabetización cultural, abordar las barreras de comunicación (por ejemplo, traducción) y crear planes de comunicación que puedan adaptarse a las necesidades emergentes de las comunidades desatendidas.

Mediante la divulgación y la participación, NOAA Fisheries intenta comprender mejor las necesidades y prioridades de las comunidades afectadas por nuestro trabajo. Daremos prioridad a las iniciativas nuevas y revitalizadas para trabajar más de cerca con los representantes de las comunidades y construir relaciones más sólidas con las comunidades desatendidas. Según la recomendación del White Council EJ Advisory Council, estableceremos circuitos de intercambio de información iterativos y bidireccionales para mejorar nuestros métodos de comunicación.

Preguntas de orientación

- ¿NOAA Fisheries llega a las comunidades desatendidas a través de diversas plataformas de comunicación, idiomas y actividades de divulgación? ¿Esos métodos de comunicación son los preferidos por las comunidades?
- ¿Cómo agrega e incorpora activamente NOAA Fisheries los comentarios que recibimos?
- A nivel de agencia, ¿cómo podemos priorizar la divulgación de información y capacitar al personal para que participe de forma efectiva con las comunidades desatendidas?
- ¿Cómo puede NOAA Fisheries construir relaciones con las comunidades desatendidas que permitan una comunicación bidireccional y el desarrollo de confianza?
- ¿Qué tipo de capacitación y recursos necesita el personal para ampliar la divulgación de información y la comunicación de NOAA Fisheries con las comunidades desatendidas?

Tabla 5. Divulgación y participación equitativa, áreas de acción y métricas propuestas

Acción	Mecanismos/métricas posibles	Recursos necesarios
<p>1. Aprovechar la información existente y los lazos comunitarios</p>	<ul style="list-style-type: none"> • Crear una lista de conexiones actuales con las comunidades desatendidas para cada región o programa • Agregar comunidades desatendidas adicionales a la lista anterior para cada región o programa, y permitir actualizaciones periódicas (Enlaces a Investigación y supervisión) 	<ul style="list-style-type: none"> • Tiempo actual del personal
<p>2. Trabajar con miembros de comunidades desatendidas para crear planes de comunicación</p>	<ul style="list-style-type: none"> • Número de planes de comunicación 	<ul style="list-style-type: none"> • Tiempo actual del personal • Aporte comunitario • Fondos menores para impresión de material/listas de contactos de correo electrónico • Capacitación del personal
<p>3. Aprender de los lazos comunitarios existentes (p. ej., sesiones de escucha y aprendizaje con miembros de la comunidad) los mejores métodos de comunicación y permitir que el plan de comunicación evolucione en función de nueva información o realidades sobre el terreno. Considerar la accesibilidad en términos de idioma, método de distribución (en persona, material impreso, redes sociales, etc.) y protocolos culturales.</p>	<ul style="list-style-type: none"> • Porcentaje de planes de comunicación que dan respuesta a las normas culturales y al contexto comunitario. 	<ul style="list-style-type: none"> • Tiempo actual del personal • Aporte comunitario • Fondos menores para impresión de material/listas de contactos de correo electrónico • Capacitación del personal

<p>4. Crear materiales y eventos de divulgación de información que sigan el plan de comunicación desarrollado con cada comunidad desatendida y para ellas (consulte Acción 2).</p>	<ul style="list-style-type: none"> • Número de productos de comunicación (folletos, publicaciones en los medios, etc.) o eventos de divulgación (reuniones, presentaciones, talleres, etc.). • Satisfacción de la comunidad desatendida con los productos para la comunicación y los eventos de divulgación • Conciencia sobre la presencia/imagen de NOAA Fisheries por parte de la comunidad desatendida. 	<ul style="list-style-type: none"> • Tiempo actual del personal • Expertos en idiomas para la traducción escrita y en persona • Enlaces comunitarios de EEJ • Fondos para los materiales y eventos de divulgación • Capacitación sobre EEJ • Uso de los fondos para la divulgación de información
<p>5. Crear oportunidades y programas educativos para involucrar a las comunidades desatendidas en actividades de ciencia, tecnología, ingeniería y matemáticas (Science, Technology, Engineering and Mathematics, STEM) relacionadas con la misión y el apoyo de investigación y administración de NOAA Fisheries.</p>	<ul style="list-style-type: none"> • Eventos y productos de educación y participación comunitaria (programas, planes de estudio y actividades) dirigidos a las comunidades desatendidas • Cantidad de miembros/comunidades desatendidas a los que llegan los eventos y productos de participación comunitaria • Oportunidades de pasantías pagadas para las comunidades desatendidas • Pasantes pagos de las comunidades desatendidas • Incluir las consideraciones de la EEJ en los criterios de selección • Satisfacción de los participantes de la comunidad desatendida con el programa/producto educativo 	<ul style="list-style-type: none"> • Tiempo actual del personal • Lista de oportunidades actuales • Fondos para oportunidades adicionales • Capacitación sobre EEJ
<p>6. Apoyar las oportunidades y los programas educativos para involucrar a las comunidades desatendidas en el proceso de administración mediante el apoyo de los criterios de selección de la EEJ en los programas existentes proporcionados por los socios.</p>	<ul style="list-style-type: none"> • Capacitación de las partes interesadas de las comunidades desatendidas en procesos de administración 	<ul style="list-style-type: none"> • Tiempo actual del personal • Recursos de apoyo para los programas de educación existentes • Capacitación sobre EEJ

<p>7. Proporcionar divulgación de información, tutoría y capacitación en línea de cara al público para las comunidades desatendidas sobre cómo atravesar el proceso de solicitud y desarrollo de la propuesta del programa de subvenciones de NOAA Fisheries (Enlaces a Distribución equitativa de los beneficios), y el proceso de solicitud de empleo y pasantías.</p>	<ul style="list-style-type: none"> • Desarrollar un recurso de solicitud en línea y una cantidad de eventos de divulgación pública dirigidos a comunidades desatendidas • Desarrollar eventos de divulgación pública dirigidos a las comunidades desatendidas • Desarrollar un proceso de solicitud del programa de tutoría, que facilite el acceso de las comunidades desatendidas al conocimiento técnico y a los expertos en la materia 	<ul style="list-style-type: none"> • Tiempo actual del personal • Plan de comunicaciones para llegar a audiencias clave
<p>8. Crear programas piloto de educación/capacitación para la administración y la industria pesquera con colegios y universidades históricamente negras, instituciones que atienden a minorías, colegios tribales y colegios comunitarios</p>	<ul style="list-style-type: none"> • Creación de programas piloto • Cantidad de participantes en los programas piloto 	<ul style="list-style-type: none"> • Fondos adicionales, según lo solicitado para el año FY23
<p>9. Generar interés en la pesca mediante la creación de un programa de subvenciones para iniciativas de capacitación, educación, divulgación y asistencia técnica que involucren a jóvenes de comunidades desatendidas</p>	<ul style="list-style-type: none"> • Subvenciones financiadas 	<ul style="list-style-type: none"> • Fondos adicionales

Distribución equitativa de los beneficios

Objetivo: Distribuir los beneficios de manera equitativa entre las partes interesadas mediante el aumento del acceso a oportunidades por parte de las comunidades desatendidas.

NOAA Fisheries brinda beneficios a las comunidades a través de inversiones directas, asistencia en caso de desastres y oportunidades de subvenciones para investigación, restauración de hábitats, acuicultura y recuperación de especies, entre otros^{4,5}. Los beneficios también pueden venir en forma de datos y herramientas que las comunidades pueden usar para tomar decisiones. Por ejemplo, los beneficios relacionados con el cambio climático incluyen financiamiento y herramientas para generar conocimiento y resiliencia.

Como lo establece la Orden Ejecutiva 13985, el fomento de la equidad crea

... oportunidades para la mejora de la comunidades que han sido desatendidas históricamente, los cual beneficia a todos. El gobierno federal debe, de conformidad con la ley aplicable, asignar recursos para abordar el fracaso histórico de invertir de manera suficiente, justa y equitativa en las comunidades desatendidas, así como en las personas de dichas comunidades.

Como se describe en el Equity Action Plan del DOC, haremos lo siguiente: facilitar el acceso a los servicios, la ciencia y los datos para las comunidades desatendidas; garantizar que los beneficios y la financiación promuevan la equidad racial y apoyen a las comunidades desatendidas; y brindar oportunidades económicas a las comunidades desatendidas mediante la institucionalización de la equidad a largo plazo. Tal como lo recomendó el White Council EJ Advisory Council, evaluaremos el acceso y la distribución de los beneficios y realizaremos un seguimiento de los fondos federales. Además, la iniciativa Justice40 nos ordena destinar al menos el 40 por ciento de los beneficios generales de las inversiones federales a asuntos relacionados con el clima y la energía limpia para las comunidades desatendidas. Las inversiones en restauración ecológica y resiliencia comunitaria son parte integral de los objetivos de la estrategia climática de NOAA para crear y fomentar la resistencia natural y económica a lo largo de las costas a través de nuestra experiencia y sólidas asociaciones en el terreno y actividades de conservación basadas en el lugar.

NOAA Fisheries busca examinar sus políticas, criterios y procesos relacionados con la provisión de fondos y otros beneficios para garantizar una distribución equitativa. Los desafíos clave serán reconocer y reparar las desigualdades e identificar nuevas oportunidades para ofrecer beneficios a las comunidades desatendidas.

Preguntas de orientación

- ¿Qué barreras enfrentan las comunidades desatendidas para acceder a los beneficios administrados por NOAA Fisheries?

⁴ Esto incluye la administración de 52 [programas de oportunidades de financiamiento y servicios financieros](#) que brindan beneficios directos e indirectos a las comunidades.

⁵ En el futuro, los beneficios también incluirán nuevas oportunidades de financiación en virtud de la Infrastructure Investment and Jobs Act, que asigna \$400 millones para proteger y restaurar hábitats que permiten sostener la industria pesquera, recuperar especies protegidas y mantener ecosistemas y comunidades resilientes (el 15 % de la financiación se reserva para las Tribus).

- ¿Los beneficios de NOAA Fisheries (como financiamiento, asignaciones de pesca, permisos, oportunidades, servicios y protección y restauración ambiental) alcanzan o benefician equitativamente a las comunidades desatendidas? ¿Podemos expandir la equidad en nuestra entrega de estos beneficios?
- ¿Cómo podemos atender mejor a las comunidades desatendidas con los datos y las herramientas que NOAA Fisheries proporciona al público?
- ¿Qué estructuras y procesos de rendición de cuentas se necesitan para garantizar la entrega equitativa de los beneficios, como la recopilación de datos sobre los beneficiarios y el análisis de esos datos?

Tabla 6: Distribución equitativa de los beneficios, áreas de acción y métricas propuestas

Acción	Mecanismos/métricas posibles	Recursos necesarios
<p>1. Identificar y eliminar las barreras potenciales que las comunidades desatendidas pueden enfrentar para acceder a los beneficios y servicios de NOAA Fisheries, incluidas las oportunidades de adquisición y asistencia financiera de la agencia; trabajar para incorporar las consideraciones de la EEJ en todas las oportunidades de financiación competitivas internas y externas</p>	<ul style="list-style-type: none"> • Revisar los criterios de selección que pueden descalificar sistemáticamente a las comunidades desatendidas • Revisar y modificar subvenciones/fondos/programas de contratación • Aumentar el acceso a los beneficios y servicios (Enlace a Divulgación y participación) 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ
<p>2. Hacer un seguimiento y presentar informes del porcentaje de subvenciones, proyectos, declaraciones de desastre y otros fondos destinados a comunidades desatendidas</p>	<ul style="list-style-type: none"> • Mecanismos de seguimiento e informes desarrollados • Uso de mecanismos de seguimiento e informes para analizar la asignación de recursos a las comunidades desatendidas 	<ul style="list-style-type: none"> • Tiempo actual del personal
<p>3. Incorporar las consideraciones de la EEJ en la toma de decisiones del programa y la asignación de recursos. Las consideraciones podrían incluir la evaluación de los impactos y beneficios para las comunidades desatendidas en los criterios de selección de la comunidad y la priorización de acciones que beneficien o corrijan una disparidad entre las comunidades.</p>	<ul style="list-style-type: none"> • Programas que incorporan la EEJ en la toma de decisiones de la asignación. • Meta de que al menos el 40 % de los recursos generales de adaptación y resiliencia climática beneficien a las comunidades desatendidas (EO 14008 Sec. 402 y "Justice 40") 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ
<p>4. En el caso de las evaluaciones de daños a los recursos naturales, garantizar que se tenga en cuenta la destrucción de los recursos naturales (incluida la pérdida del uso humano, así como de beneficios sociales, culturales y económicos) asumida por las comunidades desatendidas y</p>	<ul style="list-style-type: none"> • Casos de evaluación de daños a los recursos naturales con consideración explícita de las pérdidas de uso humano y de recursos naturales asumidas por las comunidades desatendidas y participación en la planificación de la restauración. 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ

<p>asegurarse de que sean compensadas adecuadamente con la restauración de los hábitats dañados</p>		
<p>5. Aumentar la capacidad tribal y estatal para la recuperación de especies mediante la solicitud de fondos adicionales para subvenciones de recuperación de especies, que permitan crear empleos y mejorar las poblaciones de especies incluidas en la lista, que a menudo tienen valor cultural y de subsistencia para las Tribus.</p>	<ul style="list-style-type: none"> • Subvenciones para la recuperación de especies para las Tribus y estados con comunidades desatendidas 	<ul style="list-style-type: none"> • Fondos adicionales, según lo solicitado para el año FY23

Administración inclusiva

Objetivo: Permitir la participación significativa de las comunidades desatendidas en los procesos de toma de decisiones.

La administración inclusiva garantiza la participación amplia y diversa en la toma de decisiones, para que todas las partes interesadas sean igualmente bienvenidas y alentadas a participar. Sin embargo, los miembros de las comunidades desatendidas inusualmente tienen acceso equitativo para contribuir en los procesos administrativos (ver Barreras para la Equidad y la Justicia Medioambiental). NOAA Fisheries busca aumentar la diversidad de las voces a través de comentarios públicos, promover la participación comunitaria y apoyar los esfuerzos de la administración cooperativa cuando sea posible.

Las decisiones que toma NOAA Fisheries a través de su trabajo científico, de conservación y administrativo afectan a las comunidades. La reglamentación federal está sujeta a numerosos requisitos para garantizar la transparencia y las oportunidades de participación pública; sin embargo, el acceso de las comunidades desatendidas puede verse limitado por una serie de factores. Nos corresponde asegurarnos de que todas las partes interesadas tengan la misma participación en los procesos de NOAA Fisheries.

NOAA Fisheries trabaja en asociación con los Consejos (y otros organismos asesores), las Tribus, los nativos de Alaska, las partes interesadas, las agencias gubernamentales estatales, territoriales y locales, y muchos otros socios para lograr la misión de NOAA Fisheries. Aumentar el compromiso y la representación de las comunidades desatendidas es esencial para el cumplimiento exitoso de nuestra misión.

Preguntas de orientación

- ¿Cómo puede NOAA Fisheries dar mejor cuenta de las necesidades de las comunidades desatendidas en la toma de decisiones?
- ¿Qué procesos y estructuras de rendición de cuentas se necesitan para que NOAA Fisheries evalúe si las necesidades de las comunidades desatendidas se tienen en cuenta adecuadamente en la toma de decisiones?
- ¿Cómo pueden las comunidades desatendidas tener acceso equitativo para participar en los procesos de administración (tiempo/viaje a reuniones en persona, Internet de banda ancha para apoyar la participación remota, acceso a intérpretes, etc.)?
- ¿La información que utiliza NOAA Fisheries para respaldar la toma de decisiones es accesible para las partes interesadas de las comunidades desatendidas (lenguaje sencillo, cumplimiento de 508, traducción a los idiomas principales apropiados, entregada en una plataforma preferida, etc.)?
- ¿Cómo puede NOAA Fisheries facilitar la representación de las comunidades desatendidas en los organismos asesores? ¿Cómo puede NOAA Fisheries modificar el proceso de toma de decisiones para mejorar el acceso de las comunidades desatendidas?
- ¿Cómo puede NOAA Fisheries facilitar la participación de las comunidades desatendidas al solicitar comentarios/aportes públicos?

Tabla 7: Áreas de acción de la administración inclusiva y métricas propuestas

Acción	Mecanismos/métricas posibles	Recursos necesarios
<p>1. Aumentar y mejorar las oportunidades para que las comunidades desatendidas participen en el proceso de toma de decisiones.</p>	<ul style="list-style-type: none"> • Utilizar diversas plataformas para lograr la participación de miembros de comunidades desatendidas (Enlace a Divulgación y participación) • Comunicación temprana con representantes de la comunidad para garantizar que los métodos de comunicación sean efectivos (Enlace a Divulgación y participación) • Asistencia a reuniones públicas que se llevan a cabo en comunidades desatendidas • Organizar reuniones públicas y otros encuentros en comunidades desatendidas • Satisfacción de la comunidad desatendida con el proceso de toma de decisiones • Satisfacción de la comunidad desatendida con las decisiones que se tomaron 	<ul style="list-style-type: none"> • Fondos de viaje para los participantes • Fondos para compensar a los miembros de las comunidades por su tiempo y conocimientos • Fondos para el alquiler de instalaciones, equipos, suministros, intérpretes, etc. • Expertos en idiomas • Capacitación del personal
<p>2. Aumentar la diversidad de los comentarios públicos al mejorar la accesibilidad de las reuniones públicas y los documentos y reglamentos</p>	<ul style="list-style-type: none"> • Identificar nuevas formas de hacer que las reuniones públicas sean accesibles para las comunidades desatendidas (Enlace a Divulgación y participación) • Porcentaje de avisos de reuniones públicas en los idiomas utilizados por los destinatarios y disponibilidad de servicios de interpretación • Proporcionar documentos que sean accesibles para las comunidades desatendidas (Enlace a Divulgación y participación) 	<ul style="list-style-type: none"> • Fondos de viaje para los participantes • Fondos para los servicios de traducción • Expertos en idiomas y comunicación
<p>3. Apoyar la representación de las comunidades desatendidas en organismos asesores como consejos regionales, paneles asesores, equipos de planificación de recuperación, comités asesores de organizaciones regionales de administración pesquera, comité asesor de la industria pesquera marina</p>	<ul style="list-style-type: none"> • Recopilar información demográfica para hacer un seguimiento de la representación de las comunidades desatendidas y proporcionarla a los organismos asesores relevantes para fomentar una mayor diversidad y representación 	<ul style="list-style-type: none"> • Tiempo actual del personal • Plan de divulgación para nuevos participantes

	<ul style="list-style-type: none"> • Desarrollar recursos/materiales educativos y de capacitación, y proporcionar estos recursos a las comunidades desatendidas para facilitar una mayor participación y comprensión de los organismos asesores • Satisfacción de los representantes con su papel en los organismos asesores. 	
4. Establecer o mejorar las relaciones con los gobiernos municipales, estatales y territoriales, otras agencias federales y organizaciones no gubernamentales en los Territorios para aprovechar sus conexiones con la comunidad al solicitar la opinión del público	<ul style="list-style-type: none"> • Regiones con listas de divulgación que incluyen estos grupos • Reuniones programadas para informar a funcionarios gubernamentales de las comunidades desatendidas • Comentarios de los asistentes sobre la efectividad de las iniciativas de divulgación 	<ul style="list-style-type: none"> • Tiempo actual del personal • Enlace comunitario de la EEJ • Fondos de viaje
5. Coordinar con los gobiernos municipales, estatales y tribales, otras agencias federales y organizaciones no gubernamentales sobre temas transversales que afectan a las comunidades desatendidas	<ul style="list-style-type: none"> • Equipos interinstitucionales que abordan cuestiones transversales que afectan a las comunidades desatendidas. 	<ul style="list-style-type: none"> • Tiempo actual del personal • Capacitación sobre EEJ
6. Continuar honrando la soberanía Tribal y la responsabilidad del fideicomiso federal.	<ul style="list-style-type: none"> • Consultas formales e informales con las Naciones Tribales • Satisfacción de las Naciones Tribales con el proceso de consulta y los resultados. 	<ul style="list-style-type: none"> • Tiempo actual del personal
7. Crear un programa de capacitación para proporcionar a los destinatarios la información y las herramientas necesarias para participar con confianza y productividad en los procesos de decisión de gestión de la pesca (comercial, recreativa, acuicultura)	<ul style="list-style-type: none"> • Cantidad de personas capacitadas 	<ul style="list-style-type: none"> • Fondos adicionales, según lo solicitado para el año FY23

Proceso de desarrollo de estrategias

El desarrollo de la estrategia de EEJ de NOAA Fisheries está diseñado como un proceso iterativo de varios años, que incluye aportes tempranos de la comunidad y comentarios del público (Figura 1). En esta sección, documentamos el desarrollo de la estrategia con especial atención a cómo se incorporaron los aportes de la comunidad, internos y públicos.

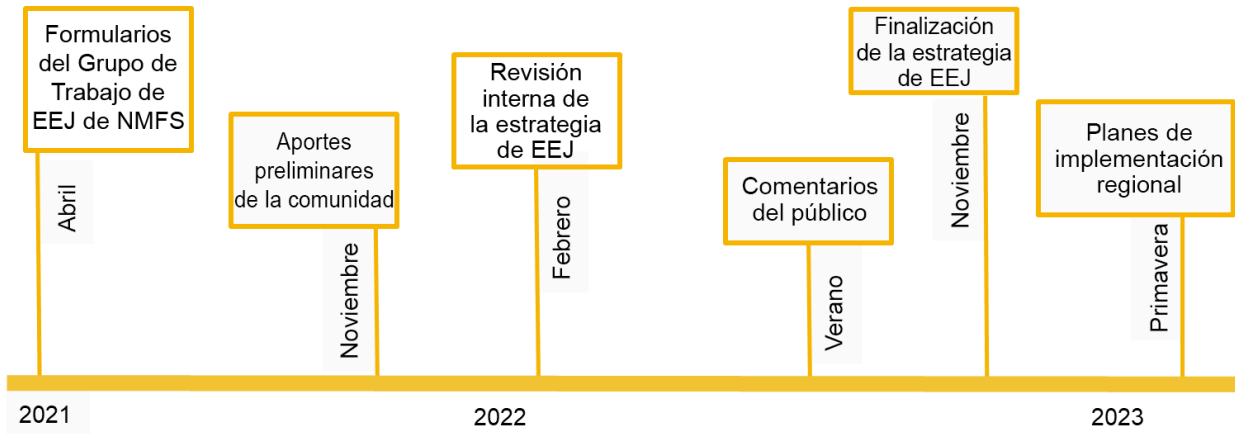


Figura 1. Cronograma de desarrollo de la estrategia de EEJ de NOAA Fisheries

Aportes preliminares de la comunidad

En noviembre de 2021, solicitamos aportes tempranos de Tribus, Territorios y comunidades indígenas reconocidos a nivel federal y no federal sobre el papel de NOAA Fisheries en EEJ. Revisamos, sintetizamos y resumimos las recomendaciones de la siguiente manera:

Ambiente empoderante

- Crear un comité comunitario con representantes de grupos desatendidos
- Establecer un enlace de EEJ dentro de las comunidades desatendidas para establecer redes y facilitar la comprensión de los protocolos culturales
- Evaluar el progreso de la EEJ a través de la supervisión y la evaluación de manera continua en todas las áreas objetivo.

Políticas y planes

- Revisar la implementación de la consideración cultural en la MMPA y la ESA
- Analizar la EEJ en las políticas

Investigación y supervisión

- Alinear las prioridades de investigación de NOAA Fisheries con las prioridades de investigación de las comunidades desatendidas

- Recopilar datos de encuestas en todas las comunidades pesqueras
- Analizar la EEJ en los impactos de la administración
- Definir e incluir la pesca no comercial
- Aumentar el financiamiento para la ciencia territorial e invertir en investigación y experiencia científica local

Divulgación y participación

- Asegurarse de que la participación involucre el idioma y el lugar apropiados; celebrar reuniones en persona con el público, el gobierno local y las organizaciones pesqueras
- Crear campañas específicas para crear conciencia sobre la misión y el progreso de NOAA Fisheries; crear una red de tutores para apoyar los esfuerzos sólidos de redacción de propuestas; invertir en el desarrollo de capacidades para fuerzas de trabajo especializadas basadas en fortalezas regionales

Distribución equitativa de los beneficios

- Considerar las barreras para el acceso a los beneficios, como los criterios relacionados con el tamaño de la población, la carga de mantenimiento de registros y la pesca no comercial
- Analizar la EEJ en la distribución de beneficios de NOAA Fisheries, como financiación de investigación y subvenciones

Administración inclusiva

- Coordinar iniciativas con otras agencias federales sobre los asuntos relacionados con la tierra que afectan al hábitat y las especies
- Honrar la soberanía Tribal y la responsabilidad del fideicomiso federal

Revisión interna

A principios de 2022, el borrador actualizado de la estrategia de EEJ se compartió ampliamente entre la dirección y el personal de NOAA Fisheries. El Grupo de Trabajo recibió comentarios de cada región y varias oficinas centrales. Al igual que con el aporte inicial de la comunidad, los comentarios se categorizaron y trataron. Luego, la versión actualizada se presentó a la dirección en abril de 2022.

En respuesta a los comentarios, se incluyeron metas, se reordenaron objetivos y se fortaleció la conexión entre ellos; se revisaron las métricas para hacerlas más orientadas a los resultados (en lugar de los aportes).

Comentarios del público: en curso

NOAA Fisheries busca comentarios del público sobre este documento para garantizar que esta estrategia nacional nos permita atender equitativamente a todas las comunidades. Se hará un nuevo esfuerzo para llegar a las comunidades desatendidas y, si es posible, realizar reuniones presenciales. Hasta el momento a lo largo de este proceso, las reuniones presenciales no han sido posibles debido a las restricciones de viaje por el Covid-19. Buscaremos comentarios de las comunidades de las que aún no hemos tenido noticias, como los trabajadores de la planta de procesamiento. También incorporaremos actualizaciones de EEJ, a medida que estén disponibles por parte de la Administración, DOC y NOAA, en la estrategia final.

Apéndice 1: Categorías de actividades de la EEJ

Para comprender mejor el alcance de las iniciativas actuales y planificadas de NOAA Fisheries e identificar oportunidades para el trabajo futuro, el Grupo de trabajo de EEJ de NOAA Fisheries clasificó 170 actividades actuales de EEJ. Se identificaron seis categorías principales y 17 temas distintos⁶. Varias actividades se clasificaron en múltiples temas y enfoques, lo que demuestra cómo estos enfoques a menudo funcionan juntos. La divulgación y la participación fue el enfoque más común utilizado en las actividades de EEJ de NOAA Fisheries, seguido de Investigación y supervisión, y luego Beneficio. Políticas y planificación y Administración inclusiva tenían menos ejemplos y pueden representar oportunidades para una mayor priorización y desarrollo. A continuación, se muestran ejemplos del trabajo en curso de NOAA Fisheries dentro de esos seis enfoques de EEJ.

Tabla A1. Ejemplos de NOAA Fisheries del trabajo en curso.

Enfoque de EEJ	Tema	Ejemplos de NOAA Fisheries de trabajo en curso
Ambiente empoderante	Capacitación de EEJ: actividades e iniciativas que mejoran la comunicación y la construcción de relaciones con las comunidades desatendidas, incluida una mayor comprensión de las comunidades desatendidas destinatarias de NOAA Fisheries.	El personal de Alaska Fisheries Science Center y Alaska Regional Office recibió capacitación sobre conciencia cultural con respecto a las comunidades nativas de Alaska, su estructura de gobierno y su cultura para ayudar a facilitar la comprensión, construir relaciones positivas y mejorar la comunicación y el entendimiento con las comunidades nativas de Alaska.
	Desarrollo de capacidades: desarrollo de capacidades, incluidos productos o actividades de desarrollo profesional.	NOAA Fisheries apoya pasantías de verano pagadas para estudiantes de universidades históricamente negras e instituciones que atienden a minorías. Algunos ejemplos son Inclusive NOAA Fisheries Internship Program (IN FISH!), Woods Hole Partnership Education Program y Hollings Preparation Program (ver una lista completa). Con los tutores de NOAA Fisheries que apoyan a los participantes de un proyecto, estos programas brindan oportunidades para el desarrollo profesional en los campos de la ciencia y la administración.
Incorporación de la EEJ en políticas y planes	Planes de programa: formas de planificación para aumentar el alcance y los beneficios de los programas de la NOAA Fisheries para las comunidades desatendidas.	La Office of Habitat Conservation formó un comité permanente para desarrollar recomendaciones para integrar los principios de EEJ en el trabajo del Damage Assessment Remediation and Restoration Program. Las recomendaciones permiten fundamentar el desarrollo de nuevas estrategias para involucrar a las comunidades desatendidas, la aplicación de nuevos métodos y marcos de decisión que nos permiten

⁶ El proceso iterativo de categorizar y desarrollar temas y categorías amplias incluyó un análisis preliminar y secundario basado en los comentarios.

		considerar y evaluar mejor los factores de EEJ y nuestra capacidad para evaluar el progreso a lo largo del tiempo en relación con objetivos específicos.
Incorporación de la EEJ en políticas y planes (continuación.)	Política: Tener en cuenta la EEJ durante el proceso de toma de decisiones.	La Pacific Islands Regional Office está trabajando con las partes interesadas, otros colegas del gobierno de EE. UU. y los miembros de la Western & Central Pacific Fisheries Commission para desarrollar una medida de gestión que aborde las preocupaciones sobre las condiciones que enfrentan los miembros de las tripulaciones de las comunidades desatendidas, con un enfoque en los estándares laborales y la seguridad de la tripulación.
Equidad en la investigación e investigación de la equidad	Investigación colaborativa y de apoyo: investigación o apoyo a la investigación realizada en colaboración con comunidades desatendidas o las agencias/instituciones que las representan (p. ej., consejos tribales, agencias de pesca territorial).	Los pescadores locales de las comunidades de Emmonak y Alakanuk, NOAA Fisheries, Alaska Department of Fish and Game y Yukon Delta Fisheries Development Association trabajan conjuntamente cada verano para recuperar redes de salmón, contar peces, medir la temperatura del agua y enviar muestras a Alaska Fisheries Science Center Auke Bay Laboratories para analizar la dieta y la condición corporal de los peces. El proyecto brinda oportunidades para introducir a los jóvenes en las carreras científicas, mientras que los científicos ciudadanos ayudan a estudiar la disminución de los retornos del salmón chinook al río Yukón.
	Investigación social y cultural : investigación para identificar y caracterizar a las comunidades pesqueras desatendidas. Incluye indicadores sociales, datos demográficos e investigaciones sobre salud humana, seguridad y seguridad alimentaria, pesca no comercial, así como conocimientos locales, tradicionales y culturales	Las caracterizaciones de la comunidad se pueden usar para resaltar comunidades que antes no estaban bien atendidas. Por ejemplo, el Alaska Fisheries Science Center dirigió proyectos de investigación sobre el papel de las mujeres nativas de Alaska en la industria pesquera de la bahía de Bristol , la participación de las mujeres en 30 años de pesca en Alaska y la participación de las mujeres en la pesca comercial en América del Norte y Europa para explorar la naturaleza multifacética de la participación de las mujeres en la pesca.
	Investigación de gestión y administración: análisis de los impactos de las medidas de gestión en las comunidades desatendidas, y su percepción y participación en el proceso de toma de decisiones.	El Restoration Center Deepwater Horizon Project de la Office of Habitat Conservation evalúa cada propuesta en el rango razonable de alternativas para determinar si su implementación tendría impactos desproporcionados en las poblaciones minoritarias, de bajos ingresos o desatendidas.

<p>Divulgación y participación equitativa</p>	<p>Construcción de relaciones e intercambio de conocimientos: actividades diseñadas para construir y mantener relaciones con las comunidades y proporcionar información importante.</p>	<p>Se desarrolló el Programa de Educación de Pesca Recreativa de Puerto Rico en colaboración con el Departamento de Recursos Naturales y Ambientales de Puerto Rico y el Consejo de Administración Pesquera del Caribe. Este es un programa educativo hecho a la medida de la comunidad pesquera recreativa de Puerto Rico. El programa se compone de 7 módulos: leyes y reglamentos pesqueros, especies marinas reguladas, especies altamente migratorias, ecosistemas de arrecifes de coral, leyes y reglamentos de arrecifes de coral de Puerto Rico, manejo y participación pesquera, y mejores prácticas de captura y liberación. El programa cubre la pesca tanto a nivel federal como territorial y lanzará talleres virtuales en línea este verano.</p>
<p>Divulgación y participación equitativa (continuación.)</p>	<p>Comunicación y acceso lingüístico: plataformas, entornos y productos de comunicación para llegar a las comunidades desatendidas.</p>	<p>Para ampliar la participación de las comunidades pesqueras minoritarias en el proceso de elaboración de normas y mejorar el cumplimiento de las nuevas medidas de conservación y gestión, varias oficinas de NOAA Fisheries traducen materiales de administración pesquera (p. ej., guías de cumplimiento de la pesca, identificación de especies y tarjetas de manejo seguro) y proporcionan intérpretes en reuniones públicas. Las traducciones se han realizado en idioma español, vietnamita y samoano.</p>
	<p>Educación: productos o actividades educativas diseñadas para llegar a las comunidades desatendidas.</p>	<p>El Alaska Fisheries Science Center trabaja con el Sealaska Heritage Institute y el Alaska Native Science and Engineering Program para proporcionar actividades y contenido de ciencia, tecnología, ingeniería y matemáticas para los estudiantes de secundaria nativos de Alaska.</p>
<p>Distribución equitativa de los beneficios</p>	<p>Subvenciones y asignación de fondos: subvenciones y asignación de fondos para actividades para comunidades desatendidas.</p>	<p>La Southeast Regional Office trabajó con la Office of Protected Resources para desarrollar un proceso revisado para evaluar las subvenciones de recuperación de especies para las Tribus con el fin de garantizar una representación justa de los proyectos tribales para la consideración del panel de financiación. Además, la Office of Habitat Conservation ha incluido lenguaje específico en su aviso de oportunidades de financiamiento federal para incluir la EEJ y oportunidades de restauración.</p>
	<p>Pesca y acuicultura: actividades de pesca y acuicultura para comunidades desatendidas.</p>	<p>El Northwest Fisheries Science Center colaboró con el Northwest Indian College para apoyar una asociación tribal de jóvenes que investiga nuevas toxinas que afectan la acuicultura de mariscos.</p>

	<p>Conservación y restauración del hábitat: actividades de conservación y restauración del hábitat para comunidades desatendidas.</p>	<p>La NOAA Chesapeake Bay Office (NCBO) creó la asociación Envision the Choptank, que encuentra soluciones colaborativas que respaldan los arrecifes de ostras saludables y productivos, y restauran las aguas aptas para la pesca y el nado en el río Choptank. Envision the Choptank, con el apoyo de NCBO, desarrolló y aceptó los principios de EEJ e incorporó las consideraciones de EEJ en las listas de verificación de equidad del proyecto y se está enfocando en proyectos de restauración y conservación de hábitats en comunidades desatendidas para aumentar la equidad y la inclusión en los proyectos.</p>
	<p>Adaptación climática: actividades de adaptación climática para las comunidades desatendidas</p>	<p>La NCBO colabora con un proyecto del Chesapeake Bay Program que se enfoca en proyectos de infraestructura verde para mejorar la resistencia costera en áreas desatendidas con el fin de aumentar la equidad y la inclusión en la restauración.</p>
<p>Administración inclusiva</p>	<p>Mejorar la diversidad de los aportes de la comunidad: actividades diseñadas para aumentar los aportes diversos a las personas encargadas de la toma de decisiones, incluso a través de procesos de comentarios públicos.</p>	<p>La Atlantic Highly Migratory Species Management Division considera activamente la diversidad (étnica, geográfica, pesquera, etc.) en la revisión de las nominaciones al Panel Asesor de HMS con el objetivo de lograr diversos aportes y consejos sobre temas y gestión de pesca de HMS. Recientemente, ha aumentado la participación del Caribe de EE. UU. en el Panel Asesor de HMS, particularmente de Puerto Rico.</p>
	<p>Apoyo a la toma de decisiones de la comunidad: actividades diseñadas para aumentar el acceso a la toma de decisiones por parte de las comunidades desatendidas.</p>	<p>La Southeast Regional Office trabajó con el Gulf of Maine Research Institute para expandir el Marine Resource Education Program a Puerto Rico y las Islas Vírgenes de EE. UU. A nivel nacional, MREP crea vías para que los científicos y administradores aprendan de los pescadores y para que los pescadores mejoren la comprensión y la participación en el proceso de administración y ciencia pesquera a nivel federal.</p>
	<p>Procesos de administración cooperativa: actividades que incluyen la colaboración administrativa con las comunidades desatendidas.</p>	<p>En virtud de la Marine Mammal Protection Act, NOAA Fisheries y organizaciones de las comunidades nativas de Alaska administran en conjunto las poblaciones de mamíferos marinos de Alaska. La administración conjunta promueve la participación plena e igualitaria de los nativos de Alaska en las decisiones que afectan la administración de subsistencia de los mamíferos marinos (en la medida máxima permitida por la ley) como una herramienta para conservar las poblaciones de mamíferos marinos de Alaska.</p>

Apéndice 2: Directivas y EEJ de NOAA Fisheries

NOAA Fisheries crea programas, políticas y actividades conforme a las siguientes leyes, que a menudo se interrelacionan con las consideraciones de la EEJ:

Magnuson-Stevens Fishery Conservation and Management Act

La [Magnuson-Stevens Fishery Conservation and Management Act](#)⁷(MSA) crea un proceso público que rige la administración de la pesca marina en las aguas federales de EE. UU. con el objetivo de prevenir la sobrepesca y reconstruir la pesca cuando sea necesario. La MSA establece un desarrollo de medidas de administración basado en los destinatarios a través de foros públicos abiertos llamados consejos de administración pesquera. Contiene una serie de referencias a comunidades específicas, incluidos gobiernos tribales, comunidades indígenas nativas de Hawái, nativas de Alaska y del Pacífico occidental. La MSA describe los estándares nacionales para el desarrollo de planes de administración pesquera y NOAA Fisheries brinda orientación reglamentaria sobre la implementación de los diez estándares nacionales de dicha administración.

El National Standard 1 requiere que las medidas de conservación y administración eviten la sobrepesca mientras se logra, de manera continua, el rendimiento óptimo (Optimum Yield, OY) de cada sector de pesca de la industria pesquera de los EE. UU. 16 USC 1851(a)(1). OY se refiere a una cantidad de pescado que brinda el mayor beneficio general a la Nación, particularmente con respecto a la producción de alimentos y las oportunidades recreativas, y teniendo en cuenta la protección de los ecosistemas marinos; y se prescribe sobre la base del rendimiento máximo sostenible “reducido por cualquier factor social, económico o ecológico relevante...” 16 U. S. C. 1802(33). En cuanto a los factores sociales, las pautas del [National Standard 1](#) brindan una lista no exhaustiva de posibles consideraciones, indicadores relacionados con la pesca y otros factores que pueden considerarse. Esta lista alienta la consideración de “... la preservación de una forma de vida para los pescadores y sus familias, la dependencia de las comunidades locales de un sector de pesca (p. ej., la participación en la pesca y la capacidad de adaptarse al cambio), ... indicadores no relacionados con la pesca (p. ej., tasas de desempleo, porcentaje de población por debajo del nivel de pobreza, densidad de población, etc.), ...[y] el lugar cultural de la pesca de subsistencia, las obligaciones en virtud de los tratados tribales, las proporciones de grupos minoritarios y de bajos ingresos afectados, y necesidades nutricionales mundiales” (50 C. F. R. 600.310(e)(3)(iii)(B)(1)).

El National Standard 4 requiere que las asignaciones sean justas y equitativas, razonablemente calculadas para promover la conservación y llevadas a cabo para evitar participaciones excesivas (entre otras consideraciones). 16 USC 1851(a)(4). En relación con la EO 13985 (Avance de la equidad racial y el apoyo a las comunidades desatendidas a través del gobierno federal), las [pautas del National Standard 4](#) brindan orientación sobre estos requisitos y también sobre otros factores relevantes para los objetivos del plan de administración pesquera que se deben considerar, como “consecuencias económicas y sociales del esquema, producción de alimentos... dependencia de la industria pesquera por parte de los participantes actuales y las comunidades costeras, ... oportunidad para que nuevos participantes ingresen a la industria pesquera...” (50 C. F. R. 600.325(c)(3)(iv)).

El National Standard 8 requiere medidas de conservación y gestión, coherentes con los requisitos de conservación de MSA, para tener en cuenta la importancia de los recursos pesqueros para las comunidades pesqueras mediante el uso de datos económicos y sociales que se basan en la mejor información científica disponible para proporcionar una participación sostenida de tales comunidades; y, en la medida de lo posible, minimizar los impactos económicos

⁷ Anteriormente la Fisheries Conservation and Management Act (1976).

adversos en dichas comunidades (16 U. S. C. 1851(a)(8)). Al abordar estos requisitos, las [Pautas del National Standard 8](#) establecen que se deben considerar los usos de los recursos pesqueros tanto de uso consuntivo como no consuntivo (50 C. F. R. 600.345(c)(4)). La “comunidad pesquera” se define en la MSA como una “comunidad que depende sustancialmente o participa sustancialmente en la captura o el procesamiento de los recursos pesqueros para satisfacer las necesidades sociales y económicas, e incluye a los propietarios, operadores y tripulantes de embarcaciones pesqueras y procesadores de pescado que tienen su sede en dicha comunidad” (16 U. S. C. 1802(17); véase también 50 C. F. R. 600.345(b)(3)). Las pautas del NS8 explican además: “Una comunidad pesquera es un grupo social o económico cuyos miembros residen en un lugar específico y comparten una dependencia común de la pesca comercial, recreativa o de subsistencia o de servicios e industrias directamente relacionados con la pesca (por ejemplo, astilleros, proveedores de hielo, tiendas de aparejos)” (50 C. F. R. 600.345(b)(3)). Es probable que estas comunidades pesqueras se superpongan en algunos casos con comunidades desatendidas como se definió anteriormente, y resaltar la posible inequidad en las decisiones de política pesquera en los análisis requeridos conforme al National Standard 8 es una intersección importante de nuestro mandato y las Órdenes Ejecutivas.

Como se señaló en la [Estrategia de justicia medioambiental de 2012 del Department of Commerce](#), la Magnuson-Stevens Fishery Conservation and Management Act reconoce el papel especial de las Tribus y otros pueblos indígenas en el desarrollo y la implementación de políticas pesqueras. Por ejemplo, la Ley estipula que el Pacific Fishery Management Council, cuya área de responsabilidad corresponde al lado del mar de California, Oregón, Washington e Idaho, incluirá un miembro votante que sea representante de una Tribu indígena con derechos de pesca reconocidos federalmente en la región. Además, la MSA autoriza un Western Alaska Community Development Quota Program, cuyos objetivos son brindar a las comunidades elegibles de Alaska Occidental la oportunidad de participar e invertir en la industria pesquera del mar de Bering y las islas Aleutianas, lo que favorece el desarrollo económico, alivia la pobreza y brinda beneficios económicos y sociales a los residentes, y permite lograr economías locales sostenibles y diversificadas (16 U. S. C. 1855(i)(1)). En el caso de cualquier sector de pesca sujeto a la autoridad del Western Pacific Fishery Management Council, la MSA autoriza el establecimiento de un Western Pacific Community Development Program para brindar acceso a las comunidades del Pacífico occidental que participan en el programa (16 U. S. C. 1855(i)(2)). Los objetivos de este programa incluyen promover el desarrollo de iniciativas sociales, culturales y comerciales que mejoren las oportunidades para las comunidades del Pacífico occidental de Samoa estadounidense, Guam, Hawái y la Mancomunidad de las Islas Marianas del Norte.

También hay una directiva en virtud de la MSA para establecer un programa piloto para programas de capacitación y educación marina con base regional en el Pacífico occidental y el Pacífico norte para fomentar la comprensión, el uso práctico del conocimiento (incluido el conocimiento de las comunidades nativas de Hawái, de Alaska y de otras islas del Pacífico) y la experiencia técnica relevante para la administración de los recursos marinos vivos. El objetivo de los programas o proyectos sería mejorar la comunicación, la educación y la capacitación sobre temas de recursos marinos y aumentar la educación científica para las profesiones relacionadas con el mar entre los residentes de las comunidades costeras, incluidos los indígenas de las islas del Pacífico, los nativos de Hawaii, los nativos de Alaska y otros grupos subrepresentados en la región. 16 USC 1855(j).

Endangered Species Act

El propósito de la [Endangered Species Act \(ESA\)](#) es conservar las especies amenazadas y en peligro de extinción y los ecosistemas de los que dependen. NOAA Fisheries comparte la responsabilidad de implementar la ESA con el U. S. Fish and Wildlife Service; nos encargamos del manejo de peces marinos y anádromos. La ESA prohíbe "capturar" (es decir,

acosar, dañar, perseguir, cazar, disparar, herir, matar, atrapar, capturar o recolectar, o intentar participar en cualquier conducta de este tipo) de especies en peligro de extinción, pero en ciertas circunstancias, esta prohibición no se aplica a la captura de subsistencia por parte de “cualquier persona indígena, aleutiano o esquimal que sea nativo de Alaska que resida en Alaska” o “cualquier residente permanente no nativo de una comunidad nativa de Alaska” 16 U. S. C. 1538(a); 1539(e).

En junio de 1997, el Secretary of Commerce y el Secretary of Interior emitieron una Orden Secretarial Conjunta del Department of Commerce y el Department of the Interior “[American Indian Tribal Rights, Federal Tribal Trust Responsibilities, and the Endangered Species Act](#)”. La Orden reconoce la responsabilidad fiduciaria y las obligaciones de los tratados de los Estados Unidos con respecto a las Tribus indígenas y los miembros tribales y su relación de gobierno a gobierno en el trato con las Tribus. En consecuencia, los Departamentos llevarán a cabo sus responsabilidades conforme a la ESA de una manera que unifique la responsabilidad del fideicomiso federal con las Tribus, la soberanía Tribal y las misiones estatutarias de los Departamentos, y que se esfuerce por garantizar que las Tribus indígenas no tengan que soportar una carga desproporcionada por la conservación de las especies incluidas en la lista, a fin de evitar o minimizar el potencial de conflicto y confrontación. La Sección 161 de la Ley pública 108–199 (188 Stat. 452), modificada por la sección 518 de la Ley pública 108–447 (118 Stat. 3267), ordena a todas las agencias federales que consulten con las corporaciones nativas de Alaska sobre la misma base que las naciones tribales conforme a la EO 13175. Además, la Orden Secretarial 3225, titulada “Endangered Species Act and Subsistence Uses in Alaska (Supplement to Secretarial Order 3206)” establece un marco de consulta entre NOAA Fisheries y los nativos de Alaska con respecto a la captura de subsistencia de las especies incluidas en la lista de la ESA en virtud de la Ley. De acuerdo con estas órdenes y políticas de consulta, coordinamos y consultamos con las naciones tribales afectadas cuando consideramos acciones conforme a la ESA que pueden afectar los recursos del fideicomiso tribal, las tierras de propiedad tribal o el ejercicio de los derechos tribales.

Fish and Wildlife Coordination Act

En virtud de la Fish and Wildlife Coordination Act (16 U. S. C. 661 et seq.), NOAA Fisheries otorga anualmente [subvenciones para la recuperación de especies a Tribus reconocidas a nivel federal](#) para apoyar la administración, investigación, supervisión y actividades de divulgación que tienen beneficios directos de conservación para las especies indicadas en la ESA.

Marine Mammal Protection Act

La [Marine Mammal Protection Act](#) (MMPA) de 1972 establece una política nacional para evitar que los mamíferos marinos disminuyan más allá del punto en que dejen de ser elementos funcionales significativos de los ecosistemas de los que forman parte. La MMPA prohíbe la “captura” de mamíferos marinos, incluida la caza, captura, recolección o matanza de estos animales, en aguas de los EE. UU. o en tierras sujetas a la jurisdicción de los EE. UU., con algunas excepciones. Requiere que se obtenga una autorización de captura incidental para la “captura” no intencional de mamíferos marinos en relación con actividades que incluyen proyectos de construcción. Sin embargo, en ciertas circunstancias, la MMPA exime la captura de subsistencia por parte de los nativos de Alaska (descrito en 16 U. S. C. 1371(b) como “cualquier persona indígena, aleutiano o esquimal que resida en Alaska y que habite en la costa del Océano Pacífico Norte o el Océano Ártico”); ver también 50 CFR 216.3 y 216.23. Además, [la sección 119 de la MMPA](#) permite a NOAA Fisheries establecer acuerdos con [organizaciones nativas de Alaska para la gestión conjunta](#) de mamíferos marinos capturados con fines culturales y de subsistencia. La gestión conjunta promueve la participación plena e igualitaria de los nativos de Alaska en las decisiones que afectan la gestión para la subsistencia de los

mamíferos marinos (en la medida máxima permitida por la ley) como una herramienta para conservar las poblaciones de mamíferos marinos de Alaska.

En las circunstancias que correspondan, la MMPA también otorga a NOAA Fisheries la autoridad para renunciar u otorgar una exención a la prohibición de captura de mamíferos marinos para facilitar el ejercicio de los derechos por tratado de caza o pesca reservados para las Tribus reconocidas a nivel federal. Por ejemplo, en virtud de la sección 120 de la Ley, NOAA Fisheries puede autorizar la remoción letal de focas y leones marinos que tengan un impacto negativo significativo en el salmón de la costa oeste que figura en la lista de la ESA. En ciertas áreas designadas, NOAA Fisheries puede autorizar a los gobiernos tribales a participar en el proceso de remoción. En virtud de la sección 101(a)(3) de la MMPA, NOAA Fisheries puede considerar conceder una exención de la prohibición de captura para permitir que una Tribu ejerza el derecho que le otorga el tratado de participar en la caza de subsistencia de poblaciones sanas de mamíferos marinos.

National Environmental Policy Act

La National Environmental Policy Act establece la política ambiental nacional del gobierno federal para utilizar todos los medios y medidas viables para fomentar y promover el bienestar general, crear y mantener condiciones en las que los seres humanos y la naturaleza puedan existir en armonía productiva y cumplir con los objetivos sociales, económicos y otros requisitos de las generaciones presentes y futuras de estadounidenses, y ordena a las agencias federales que consideren los impactos ambientales de sus acciones propuestas antes de tomar decisiones. La [Guía de Justicia Ambiental de 1997 del Consejo de Calidad Ambiental bajo la Ley de Política Ambiental Nacional](#) destaca la importancia de NEPA en la identificación de asuntos de justicia ambiental y ofrece principios para incorporar la justicia ambiental en las revisiones de NEPA de nuestras acciones propuestas. El Grupo de Trabajo Interagencia Federal sobre Justicia Ambiental estableció un Comité NEPA en 2012 de conformidad con el [Memorandum de Entendimiento sobre Justicia Ambiental y la Orden Ejecutiva 12898 \(2011\)](#). El Memorándum identificó a la NEPA como un área de enfoque para la inclusión en los esfuerzos de justicia ambiental de las agencias y dirigió los esfuerzos para “incluir la colaboración entre agencias” Después de examinar las mejores prácticas, las lecciones aprendidas, la investigación, el análisis, la capacitación, la consulta y otras experiencias de los profesionales federales de NEPA en todo el gobierno federal, el EJ IWG produjo [Promising Practices for EJ Methodologies in NEPA Reviews \(2016\)](#) como una guía informal para compartir formas efectivas para construir una sólida consideración de la justicia ambiental en la práctica de la NEPA.

Como lo exige la NEPA, las acciones de administración pesquera atraviesan el proceso de revisión ambiental. La [Estrategia de Justicia Ambiental de 2012 del Department of Commerce](#) señala que, como custodio de una gran cantidad de datos ambientales, la NOAA está equipada de manera única para evaluar "los posibles... impactos ambientales adversos y desproporcionados en las poblaciones minoritarias y de bajos ingresos". Además, la guía señala que NOAA Fisheries estudia el impacto del cambio climático en los recursos fiduciarios de NOAA Fisheries, incluidas la pesca, las especies de ESA y MMPA, y sus hábitats asociados. NOAA Fisheries cuenta con recursos de datos clave para comprender cómo esos cambios inducidos por el clima en nuestros recursos afectarán de forma específica a las poblaciones desatendidas/minoritarias/tribales.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

La Comprehensive Environmental Response, Compensation and Liability Act de 1980 (CERCLA) proporciona un grupo integral de autoridades centradas en un objetivo principal: abordar cualquier liberación o amenaza de liberación de sustancias peligrosas, nocivas o contaminantes que podrían poner en peligro la salud humana o el medio ambiente.

Las disposiciones de respuesta de CERCLA se centran en la protección de la salud humana y el medio ambiente. El estatuto también proporciona autoridad para la evaluación y restauración de los recursos naturales se dañaron en una respuesta o liberación de sustancias peligrosas.

Oil Pollution Act (OPA)

La [Oil Pollution Act](#) de 1990 se esfuerza por prevenir derrames de petróleo de embarcaciones e instalaciones, obliga a retirar el petróleo derramado y asigna responsabilidad por el costo de la limpieza y los daños. La Ley exige procedimientos operativos específicos; define las partes responsables y la responsabilidad financiera; implementa procesos de medición de daños; especifica los daños por los cuales los infractores son responsables; y establece un fondo para daños, limpieza y costos de remoción. Otorga a la NOAA y a otros la autoridad para abordar los impactos en los recursos naturales causados por los derrames de petróleo y tomar medidas para responder o prevenir un derrame de petróleo.