Marine and Coastal Area-based Management Advisory Committee Meeting
Silver Spring, Maryland

December 9, 2024

Advisory Committee Members Present:
Peter Auster, Mystic Aquarium; University of Connecticut
Jenn Eckerle, California Natural Resources Agency; California Ocean Protection Council
Deanna Erickson, Lake Superior National Estuarine Research Reserve
Kirsten Grorud-Colvert, Department of Integrative Biology for Oregon State University
Martha Guyas, American Sportfishing Association
Heather Hall, Washington Department of Fish and Wildlife
Jaime Jahncke, California Current Group, Point Blue Conservation Science
Amy Kenney, National Ocean Protection Coalition
Aaron Kornbluth, Akorn Environmental Consulting
Joseph Oatman, Nez Perce Tribe
Eric Reid, New England Fisheries Management Council
Donald Schug, Northern Economies, Inc.
Peter Stauffer, Surfrider Foundation
Angelo Villagomez, Center for American Progress
Lela DeVine, EarthEcho International
Anthony Dvarskas, Orsted Americas
Heather Hall, Washington Department of Fish and Wildlife
Stephanie Mathes,
Linda Behnken, Alaska Longline Fishermen's Association
Tracey Smart, South Caroline Department of Natural Resources

Federal Agency Representatives, non-voting members:
Ronald Howard, U.S. Department of Agriculture's Natural Resources Conservation Service
Annie Sawabini, U.S. Fish and Wildlife Service
Candance Nachman, U.S. Coast Guard

NOAA Staff in Attendance:
John Armor, Director, NOAA's Office of National Marine Sanctuaries
Kelly Denit, Director, NOAA Fisheries' Office of Sustainable Fisheries
Lauren Wenzel, Director, National Marine Protected Areas Center, NOAA
Ellie Roberts, Policy Analyst, NOAA's Office of National Marine Sanctuaries
Maureen Brooks, Ocean Portfolio Advisor, NOAA Office of Oceanic and Atmospheric Research
Josh Lott,Manager, NOS Policy Program, NOAA Office for Coastal Management
Gabrielle Hillyer, Knauss Fellow, NOAA Office of Oceanic and Atmospheric Research
Mimi D'Iorio, Geoscientist, National Marine Protected Areas Center
Zachary Penney, NOAA Senior Advisor
Becky Cruz Lizama, NOAA Senior Tribal Liaison
Adam Dilts, Chief, Oceans and Coasts Section, NOAA Office of General Counsel

Meeting welcome and introductions
John Armor, Director, NOAA's Office of National Marine Sanctuaries and Committee Designated Federal Official

The NOAA Designated Federal Official welcomed everyone to the public meeting of the Marine and Coastal Area-based Management (MCAM) Federal Advisory Committee.The DFO shared that on Friday, December 6, the MCAM was officially renewed for another two years. He recognized that the committee has been hard at work, and acknowledged the recent work and recommendations provided to NOAA.

The DFO acknowledged that in the new year there will be a change in Administration, and that NOAA looks forward to continuing the work of the Committee in the years ahead, and looks forward to listening to and participating in the discussions today, as continued progress is made on the Committee's Charge.

Ellie Roberts, Program Analyst for NOAA's Office of National Marine Sanctuaries provided a brief overview of the meeting platform.

Amy Kenney, MCAM Advisory Committee Chair, welcomed the Committee. The Chair noted that the Committee's work started less than a year ago, and commended the team for their work over the past year. Kenney recognized the work of the subcommittees, and the more recent virtual FAC meeting in August. The Chair noted that this is the third Committee meeting of 2024, a year that included many learning opportunities for the Committee to deepen their understanding of NOAA.

The Chair reminded the Committee of the recent set of recommendations provided to NOAA on the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) funding, and recognized the recent positive response from NOAA on those recommendations. The Chair noted that there is a lot of momentum and action within the Committee, and expressed thanks to the Committee members and NOAA staff. The Chair closed by providing an overview of the meeting agenda, and noted that the Committee is not planning on making any formal decisions or new recommendations during this meeting, and plans to use the time to continue moving things forward.

Member introductions and icebreaker.
Each member in attendance shared a bit about themselves, including the organization they work for and reflections on their work over the past year. Many of the Committee members noted that they felt inspired and excited about the work of the Committee, and felt encouraged by the participation, knowledge, and dedication found within the Committee's members.

Effectiveness and Outcomes Subcommittee Presentation and Discussion
Pete Stauffer - Outcomes & Effectiveness Subcommittee Chair
Mimi D'Iorio - Geoscientist, National Marine Protected Areas Center

Pete Stauffer briefly shared background on the subcommittee, including recognition of the subcommittee members and NOAA advisors, the subcommittee work plan and the subcommittee's current area of focus - the tracking conservation progress and the Conservation and Stewardship Atlas. Stauffer also summarized the subcommittee's first area of focus, which resulted in the BIL/IRA recommendations provided to NOAA in September.

Stauffer introduced Mimi D'Iorio, Geoscientist for the National Marine Protected Areas Center, to provide an update on the Conservation and Stewardship Atlas. D'Iorio encouraged the Committee to think about what would be useful to NOAA, and about what to do with the information we have gathered through the Atlas. D'Iorio described the context of the development of the Atlas within conservation.gov; provided an overview of the criteria for data to be included; and highlighted examples of data layers, including marine examples and the land-sea interface. D'Iorio closed by noting that NOAA is looking ahead to working with the Council on Environmental Quality to evaluate and refine the Atlas, build NOAA capacity for tracking and reporting, and develop a NOAA approach to addressing other effective area-based conservation measures (OECMs). The future of the Conservation and Stewardship Atlas and related conservation.gov products will be determined by the incoming administration; further development is currently on hold.

The Subcommittee Chair reminded the Committee of the original charge which states "How can NOAA best leverage our area-based management tools, investments, and authorities to deliver biodiversity conservation, access to nature, and climate resilience outcomes?" Stauffer then shared the subcommittees starting outline and components of draft recommendations (with more detail to be provided under each recommendation):

1. How to Ensure the Atlas is a Useful Tool in the Long Term
2. Improving how we Measure Conservation and Track Outcomes
3. Improving the information we have Available in the Atlas

The Committee then engaged in a discussion of the draft recommendations. Stauffer noted that the Committee should focus on the durability and utility of the Atlas.

The Committee also presented questions to D'Iorio, including asking if there has been discussion about linking the Atlas to the regional ocean data portals. D'Iorio noted that not all regional ocean partnerships have the same data assets, and that a next step would be to use existing data regional scales. However, while there is opportunity for this, there is also a challenge in applying the framework and criteria to all data sets, and that there is a need to develop some case studies in order to determine how to apply the framework across data sets.

The Committee asked about where the data and the Atlas is hosted. D'Iorio noted that the Atlas is hosted through Esri through a contract with the US Geological Survey. The Committee noted that this is a point of durability that should be considered and which could be centered in the recommendations, and noted that the recommendations should highlight the value of the tool.

Committee members noted the need to continue to clarify what conservation means in the U.S., as well as how we define conservation outcomes and success. The Committee also asked what statutory requirements may come into play as well as the public perception of what these should be. A Committee member noted that there has traditionally been a lot of focus on biodiversity, but that the Atlas also provides an opportunity to focus also on climate indicators. This will be helpful in finding metrics for climate considerations. There is still work to be done in order to effectively track other indicators in the ocean space. A Committee member stated that the Office of National Marine Sanctuaries work focuses heavily around education and access, and others noted that coastal access points could also be integrated as indicators.

Regarding Recommendation 2 “Improving how we measure conservation and track outcomes”, members discussed that the Atlas should be geospatially comprehensive, including shoreline. A Committee member recognized existing frameworks, but questioned what happens when these frameworks are put into practice, and also considered what resources are available to take on new indicators as opposed to bringing in existing ones? The Subcommittee Chair prompted the Committee to consider what data is needed to understand outcomes.

A Committee member stated that NOAA’s national estuarine research reserves and coastal zone management programs have targeted watersheds but do not always have legal authority over those areas. However, there can be engagement in restoration in those areas, which expands the area of impact and coverage, as well as a way to leverage resources for stewardship.

Regarding Recommendation 3 “Improving the information we have available in the Atlas”, a Committee member stated that the indicators we use may help point out gaps in monitoring, and this information can be fed back to the data providers. They noted that tracking will require monitoring of indicators in a consistent way, and asked how we take the data here and feed that back to the programs as expected metrics. Another Committee member asked what is meant by an indicator, and if it is just the presence or absence of spatiotemporal data.

D’Iorio provided an example of where indicators were put forward, but there was discussion on the reliability of metrics and the underlying data, asking that if we don’t have perfect data, what can be used. D’Iorio noted that indices have known assumptions, and that there are always assumptions and uncertainties. A Committee member noted that there are many sources of data from Study Fleet that are not being used, but may fit. They also asked about the inclusion of eDNA. Finally, a member asked why OECMs are still being evaluated for inclusion, as other bodies are already using them. In response, one member echoed the value of OECMs. Another member noted that the definition of OECMs is important, and felt that to be considered, closures need to be established for an ecologically meaningful period of time, whereas closures for only short periods of time may not qualify. The Committee agreed that this would likely need longer discussion. Another member noted that the topic of OECMs may be new for some members.

Q&A with NOAA, led by the Meaningful Engagement with Communities Subcommittee

Deanna Erickson and Joseph Oatman, Subcommittee Chairs
Zach Penney, NOAA Senior Advisor
Adam Dilts, Chief, Oceans and Coasts Section, NOAA Office of the General Counsel,
Becky Cruz Lizama, NOAA Senior Tribal Liaison

John Armor introduced Zach Penney, Adam Dilts, and Becky Lizama, who joined the meeting to participate in a Q&A with the Committee focused on Indigenous led conservation and co-stewardship. It was noted that the Q&A would help inform the subcommittee's future work on this topic and the development of recommendations for Indigenous led conservation and co-stewardship.

The subcommittee chairs asked what notable progress has been made over the past few years to better collaborate with Tribal Nations and Indigenous communities at NOAA?

Penney noted that as a political appointee his baseline for NOAA's collective Tribal efforts starts in 2022, so my baseline for progress is limited. However, this is an extremely important question as we all want to know how we measure improvements of Tribal and Indigenous engagement. For example, is it the number of co-stewardship MOUs signed, funding awarded to Tribes and Indigenous communities, number of consultations/engagements? From my perspective, significant progress has been made structurally within NOAA which has better elevated sovereignty, trust responsibility, and core competencies within the agency. While NOAA does not have as many co-stewardship MOU's to celebrate as the Department of the Interior (DOI) or Department of Agriculture, Joint Secretarial Order (JSO) 3403 allowed DOC/NOAA to review our authorities and address terminology that can be ambiguous. There are also increases in capacity, knowledge, and support for place-based staff who don't necessarily interact with tribes all the time. This internal growth is within the agency and will pay dividends in the future as NOAA can do co-stewardship with or without JSO 3403.

NOAA highlighted the important work that has occurred within NOAA and beyond to update and finalize a number of significant guidance documents for Agency Staff. These include the updates to NOAA's Handbook on Government-to-Government Consultation that was recently revised for the first time in over a decade to capture important lessons learned in NOAA's consultation and engagement efforts, and to clarify processes and expectations on interactions and consultation processes. NOAA also issued a guidance document on the inclusion of Indigenous knowledge in NOAA's work, and joined a government-wide effort to better integrate consideration of tribal treaty and reserved rights into Agency decision making to ensure that NOAA's actions are consistent with constitutional, treaty, reserved and statutory rights.

NOAA also provided training on the updated Consultation Handbook and Indigenous Knowledge Guidance documents and policies to include them within agency practices. There have been training sessions almost monthly. However, there is still room to grow and expand our services.

The subcommittee chairs noted that the geography, land care practices, and needs of Indigenous communities and Tribal Nations along the Nation's coasts and oceans is diverse. They chairs asked what promising approaches may support NOAA in successfully responding to and providing support across this broad range of regions?

NOAA noted that one important practice is increasing NOAA core competencies related to Tribal and Indigenous sovereignty. As the Committee is aware, the history, relationships, recognition status, and cultural relationships between Tribes and Indigenous Nations are different and U.S. policies affect different groups differently (e.g., Treaty vs. non-treaty, Alaska Native Claims Settlement Act). Recognition of these differences is step one, but ensuring NOAA has the funding, personnel, and leadership support to implement these approaches is something that needs to be institutionalized. NOAA does not have an organic Act, which is needed, but increased representation of Tribal and Indigenous voices on Federal Advisory Committees, Advisory Councils, and other NOAA-led Committees is important to work with career staff (continuity) and hold the agency accountable. Recognizing the vast nature of relationships between NOAA and different groups, Tribes, etc., and recognizing how longstanding issues and demographics shape current relationships is needed. NOAA noted that the Committee may consider the benefits of a tribal steering committee that could be institutionalized in NOAA.

NOAA recognized both the challenges and opportunities presented by jurisdiction, because so many communities find significance in ocean areas, which enables NOAA to partner broadly in ways that are not always possible in terrestrial areas that have specific boundary lines. For example, consider the work done at the recently designated Chumash Heritage National Marine Sanctuary. NOAA has begun to leverage these opportunities in certain regions of the country where NOAA has a depth of expertise and relationships, but we don't have this all around the country. Where NOAA has had the opportunity to develop these relationships and expertise, we have done well, but we need to expand further around the country. We are working to do that now through regional teams and tribal liaisons.

NOAA also works with staff across the regions and programs to visit and work with communities including by attending events and meetings. We understand the power of showing up, and also want NOAA leadership to support travel to NOAA events for participants from communities to ensure adequate in-person representation.

The subcommittee chairs noted that through BIL and IRA funding, new opportunities have emerged to directly support Tribal Nations and Indigenous Communities, a meaningful step towards the restoration and repatriation of Tribal lands. As those funding opportunities sunset, what other actions (funding or other kinds of support) might be supportive of Indigenous-led stewardship and restoration beyond BIL and IRA?

NOAA staff noted that they cannot comment on what will happen with any future appropriations related to NOAA's programmatic funding that can support Tribal and Indigenous priorities. However, through NOAA's Office of Habitat Conservation and consultations/engagements

around BIL/IRA funding NOAA has begun to better address how to handle Tribal set-asides, match-requirements, permitting, and using interagency agreements to leverage Bureau of Indian Affairs (BIA) self-governance processes. In many cases, Tribes and Indigenous Nations know what their priorities are and they may just need funding to do the work - want to not have to do this exercise all the time.

Consultation fatigue is real also - many funding notices are impossible for one Tribal staff person to track and make best use. Importance in knowing the difference between formal consultation and other interactions. For example, broad listening sessions that get 20-30 inputs are going to account for those inputs, but not others who haven't commented.

Recent Executive Orders have helped get money to tribal and indigenous communities. Tribes often don't want to compete against non-sovereign applicants. Many tribal communities often don't have the capacity to compete well. Different agencies have different processes. Going through non government organizations can be simpler. NOAA is building core competencies to address these issues, and is getting better at handling tribal set asides, and agreements with other agencies to move money. Still, there is not enough money to address all tribal priorities or needs, so some competition is necessary/unavoidable.

Joint Secretarial Order 3404 prompted us to consider the authorities at NOAA that provide opportunities and authorities for co-stewardship. These are statutory authorities, and while it isn't a substitute for funding, it can still be very helpful for us to better use and understand these authorities in the future.

The Committee thanked the NOAA team for joining the meeting and sharing their insights on this topic, and noted that additional follow up may be needed in the future. Then the subcommittee co-chairs led a brief Committee discussion on the topic of Indigenous led conservation and co-stewardship to inform the subcommittee's continued work on draft recommendations on this topic. Specifically, the subcommittee is working on five separate recommendations for consideration by the full FAC.

1. NOAA should define, develop and implement co-stewardship or co-management agreements in partnership with Federally Recognized Tribes and Native Hawaiians that include meaningful consultation and engagement on marine and coastal area-based management efforts.
2. NOAA's must ensure meaningful Tribal and Indigenous Consultations and Engagements.
3. NOAA must coordinate and collaborate with Tribal Nations and Indigenous communities to ensure they have access to abundant natural resources that create economic and cultural opportunities for members of these communities to restore and sustain their traditional forms of livelihoods (e.g., fishing, gathering, hunting, and other uses in place-based regions) including through integration of Indigenous knowledge and perspectives in decision making about coastal land and waters.
4. NOAA should support Tribal and Indigenous community recommended place-based management areas.

5. Recommendation around funding and authorities for Tribal work.

Following overview of the subcommittees draft recommendations, the subcommittee chairs opened the meeting to discussion and/or questions of the full Committee. The Committee Chair and Vice Chair noted that the recommendations focus on Tribes and Native Hawaiians, but should consider space for other non federally recognized Tribes and Pacific Territorial natives. The Committee may refer to the recent Chumash Heritage National Marine Sanctuary designation to learn what worked. The Chair also noted that funding and capacity can change, and asked about what opportunities there are without new funding. For example, could more staff be allocated to do this work without new appropriations. Multiple members affirmed this idea. A Committee member noted that the recommendations could also consider access for non-federally recognized entities to coastal resources, primarily through coastal zone management programs and state Tribal entities.

NOAA Senior Advisor Penney advised that the Committee consider the distinction between co-stewardship and co-management. NOAA can't necessarily make new co-management agreements, but co-stewardship is possible. NOAA doesn't control federal recognition and won't get involved in intertribal issues. Co-stewardship agreements range from funding to Memorandums of Understanding on how work can be done. Penney also recognized that this can be more difficult in the marine realm, as there is not always agreement on what co-stewardship is. There are many instances where NOAA is doing co-stewardship, but NOAA is not calling it that. The Committee could consider this information and leverage it.

A Committee member affirmed comments about the importance of process and definitions, and highlighted the need for a process with both Indigenous and non-indigenous communities, such as rural communities. There is work to do and benefits that may come from considering communities that include both Indigenous and non-Indigenous, such as Commercial Fishing communities. The Subcommittee recognized that there may be very specific and unique perspectives that are needed from Alaska.

The Sub-committee Chair asked if the Committee is able to seek external review of draft recommendations? NOAA noted that all meetings are open to the public, and meeting materials are also shared with the public. The Committee may request comments on materials through that process. While Subcommittees may only be composed of Committee members, the Committee may organize a Working Group that includes both Committee members and individuals who are not members of the Committee, which may help prepare recommendations.

Public Comment
None was shared at this time.

Closing
The Committee Chair and Vice Chair thanked everyone for a great day. Thank you to the NOAA team for their work and presentations, as well as the Committee for their engagement. We made progress on subcommittee work, and will continue to make progress in the New Year.

The Chair provided a reminder for the next full Committee meeting, hosted virtually on February 26, 2025 from 2 - 5pm ET; and planning for an in person meeting April 1 - 3, 2025. Final location details are still being developed, and will be shared in the near future. The Chair closed by recognizing that the Committee is in a period of transition. The Committee has a strong and solid work plan, and the subcommittees are advancing their plans. The Committee will consider what we can do as a FAC to ensure that the transition goes as smoothly as possible regarding the FAC's work.

The DFO thanked the Committee for their time and work. The meeting was adjourned for the day.

Meeting adjourned

"I hereby certify that to the best of my knowledge, the foregoing minutes are accurate and complete."

- Amy Kenney, Chair, NOAA, Marine and Coastal Area-based Management Advisory Committee, February 14, 2025
- John Armor, Designated Federal Officer, NOAA, Marine and Coastal Area-based Management Advisory Committee, January 14, 2025