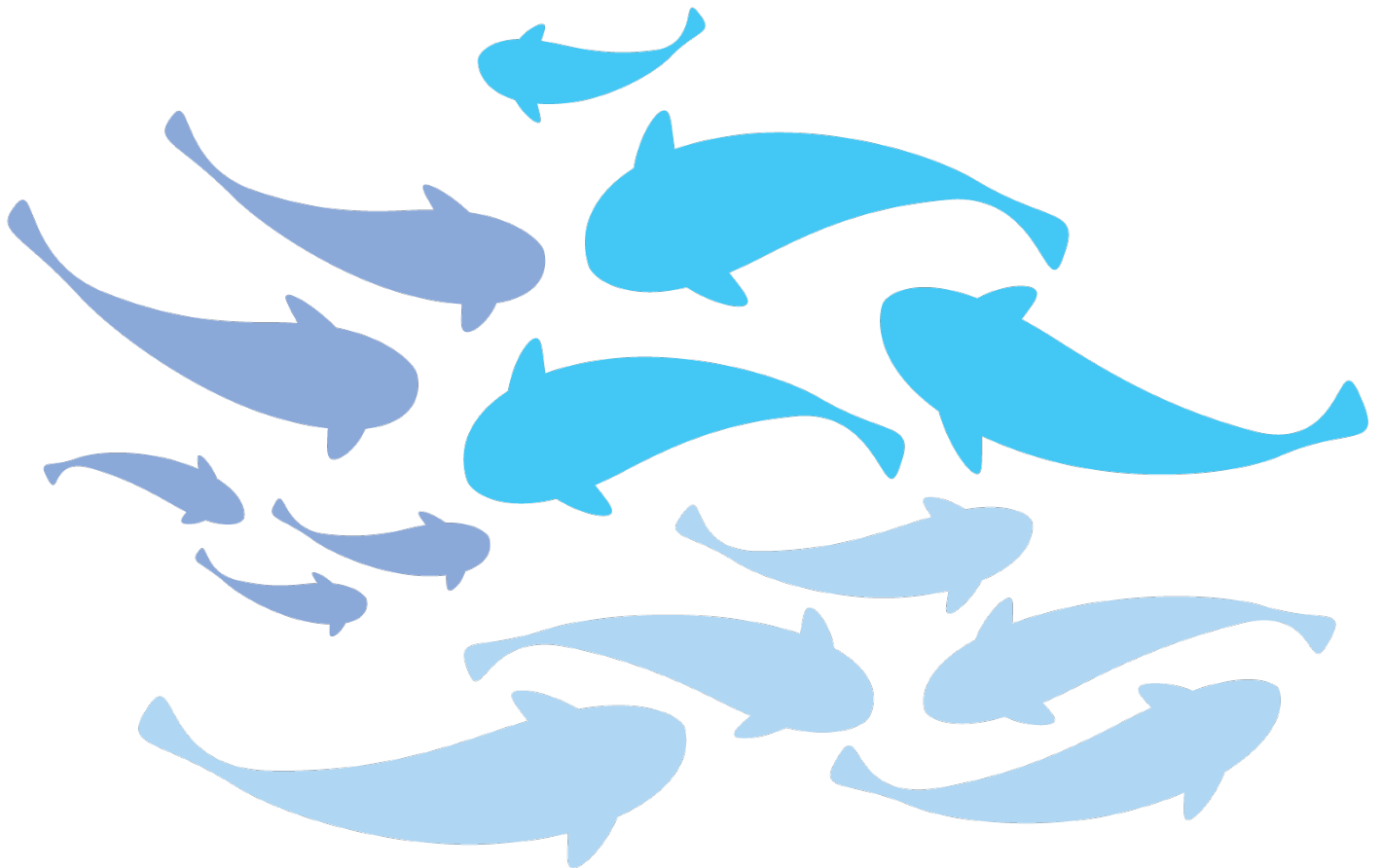


NOAA
FISHERIES

Office of Protected Resources

Equity and Environmental Justice Implementation Plan



Executive Summary

NOAA Fisheries' Office of Protected Resources (OPR) oversees NOAA Fisheries' administration of the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and other protected resources statutes and treaties. Our mission is national in scope, and we serve a diverse array of communities across the United States and its territories. It is our goal to incorporate equity and environmental justice (EEJ) into our ongoing and future activities, to the extent consistent with applicable law and availability of funding. To work toward this goal, we first gathered information about underserved communities and their needs. We then used this information to create this implementation plan, which is based on the objectives set forth in NOAA Fisheries' EEJ Strategy and focal areas of the Environmental Justice Scorecard. These objectives include: an empowering environment, outreach and engagement, inclusive governance, benefits, research and monitoring, and plans and policies.

OPR has already made significant progress in incorporating the EEJ objectives into our daily operations. We incorporated local language translation and interpretation into 19 informational meetings and public hearings on three ESA proposed rules to improve our outreach. We contracted the services of cultural liaisons in the Pacific Island territories to promote more effective engagement in the public comment process, an important aspect of inclusive governance. We provided funding to tribes and Alaska Native communities through our John H. Prescott Marine Mammal Rescue and Response Grant Program and Species Recovery Grant Programs. We promoted research and information sharing on climate change impacts that affect both protected species and underserved communities. Under plans and policies, we published guidance on how to engage tribes in the ESA section 7 consultation process. To educate and empower our staff, we provided training to our staff who interact with tribes. We realize that this is merely a first step, and OPR acknowledges the trust responsibility and treaty obligations of the United States toward Indian tribes and tribal members and its government-to-government relationship with tribes.

While we are proud of these accomplishments, there is much work to be done. In the upcoming years, we will provide EEJ, facilitation, and anti-bias training to OPR staff and partners. Building on information we receive from underserved communities, we will continue to improve outreach and engagement to ensure EEJ needs are met consistent with applicable law. With additional funding, we can provide more grant opportunities for research, monitoring, and management projects that may benefit both protected species and underserved communities. This plan is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees or agents, or any other person.

OPR strives to serve all stakeholders equitably in our mission to protect and conserve the nation's marine and anadromous species and their habitats. Because our jurisdiction is national in scope, we need to engage with our stakeholders in a sustained and methodical way over the course of many years. As we learn from and adapt to the needs of underserved communities, we will update this implementation plan.

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List of Acronyms

CITES: Convention in International Trade in Endangered Species of Fauna and Flora

EEJ: Equity and Environmental Justice

ESA: Endangered Species Act

IAC: InterAmerican Convention for the Protection and Conservation of Sea Turtles

MMPA: Marine Mammal Protection Act

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

OPR: Office of Protected Resources

USFWS: U.S. Fish and Wildlife Service

Introduction

NOAA Fisheries' Office of Protected Resources (OPR) endeavors to equitably serve all stakeholders in our nationwide stewardship of marine or anadromous protected species. The OPR Implementation Plan (the Plan) uses guidance set forth in NOAA Fisheries' national [Equity and Environmental Justice Strategy](#) to incorporate and prioritize equity and environmental justice (EEJ) in our ongoing and future activities, to the extent consistent with applicable law and availability of funding. This plan is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees or agents, or any other person.

OPR's mission is to conserve and recover marine or anadromous protected species and their habitats for the benefit of the nation. We oversee NOAA Fisheries' implementation of the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) at the national level. Under these statutes, we are primarily responsible for marine and anadromous species and habitats, whereas the U.S. Fish and Wildlife Service (USFWS) is responsible primarily for terrestrial and freshwater species and habitats. With USFWS, we also share or have parallel authority for some species (e.g., sea turtles and marine mammals), and provide leadership on international multilateral environmental agreements, such as the Convention in International Trade in Endangered Species of Fauna and Flora (CITES) and the InterAmerican Convention for the Protection and Conservation of Sea Turtles (IAC). Our goal is to reduce threats to species and their habitats using science-based policy and management. To accomplish this goal, we collaborate with NOAA Fisheries' regional offices, science centers, federal agencies, scientists, non-governmental organizations, and the general public.

Our mission is national in scope, and we serve a diverse array of communities across the United States and its territories. However, we recognize that not all communities have had equal opportunities and access to our services. Our goal is to serve all communities equitably, nationwide. Our work is especially important in the face of climate change and its profound impacts on protected resources and underserved communities as defined in this document. Our actions that reduce or mitigate these impacts will benefit both protected resources and underserved communities. Because of their universal importance, we have highlighted our efforts to address impacts from climate change in our actions listed below.

Identifying Underserved Communities

OPR is committed to incorporating EEJ into everything we do, to the extent consistent with applicable law and availability of funding. We recognize that this commitment requires time and adaptation, as we ask, listen, and learn about the needs and concerns of underserved communities. Therefore, our first step was to identify and engage with underserved communities to request their input, as recommended in comments received on the draft national EEJ Strategy.

OPR serves stakeholders throughout the nation. Our stakeholders include everyone interested in or affected by protected resources management and related regulations, research, services (such as stranding and response networks), funding, and information sharing. Those stakeholders include tribal, state, territorial, and local governments, non-governmental organizations, fishermen and fishing organizations (including the regional fishery management councils), academics studying protected resources, teachers and students interested in protected resources, federal agencies, permit holders or applicants, nature and wildlife enthusiasts, and the general public.

Pacific Islands communities self-identified as being underserved in comments on the draft national EEJ Strategy. Many community members from American Samoa, Guam (Chamorro), and the Commonwealth of the Northern Mariana Islands (CNMI: Chamorro and Carolinian) commented on protected resources issues. In FY 2023, we contracted the services of cultural liaisons within those communities to better understand the specific needs, barriers, and concerns regarding the protection of natural resources in Pacific Island territories. We created Protected Resources' Equity and Environmental Justice (PR EEJ) Discussion Topics for Pacific Island Territories Outreach to guide discussions, facilitated by the cultural liaisons, between community members and the Pacific Islands Regional Office and Fisheries Science Center staff. Unfortunately, opportunities where we expected NOAA Fisheries staff would be able to make use of these tools did not come to fruition. Therefore, we were unable to complete this portion of intended engagement. In FY 2024/2025, at the conclusion of our contract, we will seek the cultural liaisons' input on the PR EEJ topics and best practices for engagement with their Pacific Island community. Working with them over the past year has provided invaluable insight and facilitation, described under the Outreach and Engagement and Inclusive Governance objectives.

To identify other underserved communities, we sent an anonymous survey to nine organizations: three centers focused on protected resources, four national wildlife conservation organizations, and two stranding response partners. We received two responses. They emphasized the importance of trust and relationships with underserved communities, which they identified as: people with disabilities, low-income immigrant communities, and communities in Northern and Western Alaska. Specific Alaska Native communities identified include those from Yukon-Kuskokwim, Norton Sound, and Bering Strait regions.

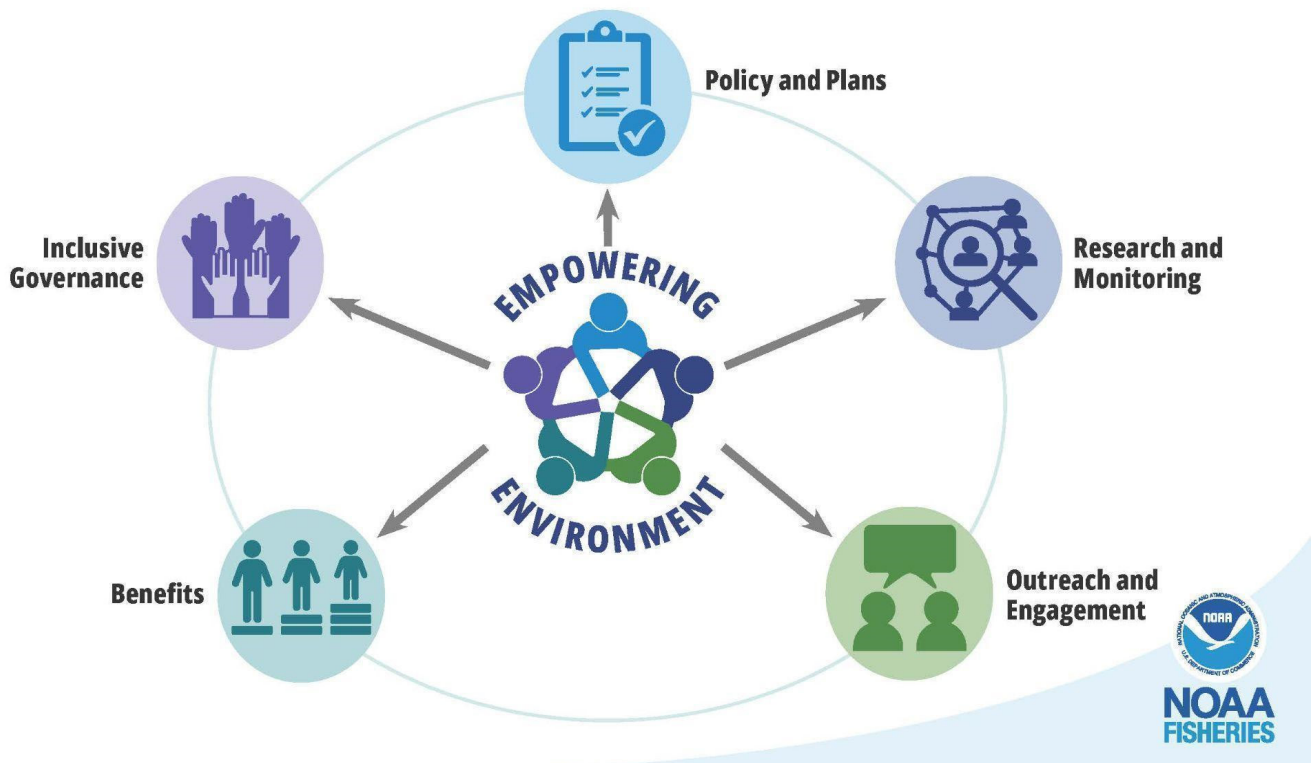
We agree with these responses and have incorporated their input on how to better honor and serve these communities into our actions and metrics under the relevant objective below.

Finally, we asked some of our benefit recipients how to make our grants programs more accessible to more communities and how to improve the application process. We worked with the Prescott Grant Program to identify ways to enhance equity and involvement. We also asked tribes to help us improve our Species Recovery Grants to Tribes Program. These topics are further discussed under the Benefits objectives section.

Moving forward, we hope to engage with additional underserved communities throughout the nation. We will continue efforts to identify these communities and understand their needs during our outreach and engagement events, as identified by other NOAA Fisheries' EEJ efforts, and while working with partners throughout the nation. As we learn about and from these communities, we may need to adapt our approaches to better serve them. For these reasons, we plan to regularly revise our implementation plan to reflect this evolution as we strive to integrate EEJ into everything we do.

EEJ Objectives Implementation

The NOAA Fisheries national EEJ Strategy calls for us to embed EEJ into everything we do, on a daily basis, to fulfill our mission to provide vital services equitably for the entire nation. This implementation plan uses the objectives framework of the EEJ Strategy to identify priority actions, how their success will be measured (metrics), and the resources needed. We highlight actions that address climate change impacts. We have also identified which actions address focal areas of the EJ Scorecard. We organized our actions by the six core objectives identified in the EEJ Strategy:



Empowering Environment

The EEJ Strategy encourages OPR leadership to identify EEJ as a priority and to dedicate adequate staff time and resources to meaningfully integrate EEJ into their day-to-day work. To date, OPR has supported an empowering environment by committing staff time to EEJ efforts, supporting the national EEJ Working Group, creating an OPR EEJ Team, providing training in tribal engagement, and including EEJ objectives in one contract (i.e., the cultural liaisons pilot project). We also highlight the importance of diversity, inclusion, equity, and collaboration to our volunteer grant reviewers.

To strengthen an empowering environment for EEJ, OPR leadership and management will encourage, support, and incentivize staff to work with underserved communities. OPR commits to supporting the actions, metrics, and resources identified in Table 1. Our main focus in the future is training, including internal and external (e.g., we plan to provide anti-bias training to our volunteer grants reviewers).

Table 1: Empowering Environment: Actions, Metrics, Resources Needed, and whether the action addresses a focal area of the EJ Scorecard. Actions, metrics and EJ Scorecard focal areas that have already been or continue to be implemented are marked with an asterisk (*).

Actions	Metrics	Resources Needed	EJ Scorecard
1. Include EEJ considerations in the performance plans of all staff, including time needed for training, relationship building, and metrics for accountability.*	<ul style="list-style-type: none"> ● Number of applicable staff with EEJ included in performance plans (7*) ● Distribution of EEJ focused work across pay bands/leadership levels 	<ul style="list-style-type: none"> ● Leadership support ● Suggested performance plan language ● Current staff time 	Staff
2. Include EEJ considerations in the performance work statements of contracts with work that interfaces with external audiences, including metrics for accountability.*	<ul style="list-style-type: none"> ● Number of applicable contracts with EEJ included in performance work statements (1*) 	<ul style="list-style-type: none"> ● Leadership, project officer, and contracting staff support ● Suggested language 	
3. Require EEJ training in OPR Training Plan to help build a shared understanding of the concepts of EEJ, implement these concepts in OPR work, and evaluate the success of EEJ efforts.	<ul style="list-style-type: none"> ● Number and percentage of staff trained ● Evaluation of training by participants 	<ul style="list-style-type: none"> ● EEJ training materials and/or funds for trainer ● Current staff time 	Training
4. Provide training for staff interacting with tribes.*	<ul style="list-style-type: none"> ● Number of staff trained (52*) 	<ul style="list-style-type: none"> ● Staff time 	Training*
5. Include facilitation training in OPR Training Plan for staff interacting with underserved communities.	<ul style="list-style-type: none"> ● Number of staff trained ● Evaluation of training by participants 	<ul style="list-style-type: none"> ● Staff time ● EEJ training 	Training
6. Provide training for grant reviewers on how to mitigate the types of bias that may disadvantage underserved communities when reviewing applications.	<ul style="list-style-type: none"> ● Number and percentage of grant reviewers trained 	<ul style="list-style-type: none"> ● Staff time ● EEJ training 	Training
7. Establish OPR EEJ Team.*	<ul style="list-style-type: none"> ● Number of team members (5*) 	<ul style="list-style-type: none"> ● Staff time 	Working Group*
8. Support continuation of the NOAA Fisheries national EEJ Working Group, with representation from OPR.*	<ul style="list-style-type: none"> ● Number of OPR staff at regular meetings (1*) 	<ul style="list-style-type: none"> ● Staff time 	Working Group*

Outreach and Engagement

OPR 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. OPR acknowledges the trust responsibility and treaty obligations of the United States toward Indian tribes and tribal members and its government-to-government relationship with tribes.

OPR has incorporated EEJ into our outreach and engagement work in numerous ways. Our OPR Strategy prioritized and fast-tracked a “pipeline” project to recruit and attract a diverse, highly capable workforce. The first step is to build relationships with educational programs and students from underserved communities to encourage them to apply to work with us, first through paid internships or contractor (or subcontractor) positions and ultimately as federal employees.

OPR’s Diversity, Equity, Inclusion, and Accessibility Team organizes and staffs career panels/fairs, outreach events, and guest lectures at Historically Black Colleges and Universities, Minority Serving Institutions, and other schools with high diversity. The focus of these events is to provide information and answer questions about OPR’s mission, actions, and opportunities. We have hosted two external events in FY 2024 and have plans to host several additional events in the future. We also participated in a high school job/career fair entitled, “Working on the Water.” Internally, the Team also provides awareness training, such as lunch-and-learn events for staff and managers to foster a culture of inclusion and to encourage diversity and equity in hiring processes.

During our events, we encourage students to apply to work with us through paid internships, including the [José E. Serrano Educational Partnership Program with Minority Serving Institutions \(EPP/MSI\)](#), [Ernest F. Hollings Undergraduate Scholarship](#), and the [Inclusive NOAA Fisheries Internship Program \(IN FISH\)](#). We are hosting five interns (all paid) in FY 2024 and plan to host more in the future. In addition to their staff mentor, we have a team of OPR staff who will provide guidance for finding and applying to additional opportunities within OPR.

OPR has received requests from master’s students at Unity College to partner on their capstone project. [Unity College](#) offers affordable distance education, with programs including marine biology and wildlife conservation. Part of the master’s program is to collaborate with an external partner on a capstone project. OPR will maintain a group of volunteers willing to work with these students to collaborate on their project, encouraging projects that will meet OPR information needs and providing the students with a worthwhile and interesting experience.

We have teamed with the Girl Scouts Nation’s Capital organization and other partners to develop a new [Endangered Species Act patch](#). Girl Scouts of all levels from any state can earn this patch. They must complete a five-step process to explore, investigate, create, experience, and present information about plants and animals that are protected under the Endangered Species Act. We have hosted multiple webinars for Girl Scouts to learn about the work we do under the ESA and the species we manage, and will continue to plan more webinars in FY 2024 and 2025.

OPR participates in the National Adaptation Forum to address climate change adaptations and the frontline communities that face a disproportionate burden of impacts. In FY 2024, OPR staff will be co-presenting a talk entitled, “Identifying and fostering co-benefits of human climate adaptation approaches for marine species.” The breakout session will discuss the benefits and challenges of adaptation actions to underserved communities and their dependency on protected species.

The Prescott Grant Program hosts pre-award webinars for members of the stranding network who are interested in applying for grants. These webinars focus on how to apply and what the requirements are. As new applicants request additional support, we put them in contact with nearby stranding network members who have a history of being successful Prescott Grant recipients. We also plan to improve reaching out to institutions and organizations, specifically those in underserved communities or groups, that are eligible for Prescott Grants to increase awareness of these webinars and resources.

OPR has also incorporated EEJ into our outreach and engagement work via leveraging existing information about community preferences for engagement. Through our previous experiences and engagement, we learned that in-person events are preferred in American Samoa, Guam, and CNMI, while virtual events are preferred in Hawaii, Puerto Rico, and mainland United States. Our surveyed partners also encouraged us to conduct more in-person engagement with underserved communities, interacting with them in their spaces and languages.

Many partners and commenters highlighted the importance of translation and consecutive interpretation at public hearings and informational meetings. Our surveyed partners explained that the translation of materials need to be culturally relevant and linguistically appropriate. If the translations are not done by experts or those who understand the culture, they come across as inauthentic (and therefore, ineffective). To address these concerns and account for the different Hispanic cultures and dialects in California and Puerto Rico, we worked with two different subcontractors to provide consecutive Spanish interpretation for virtual events. The cultural liaisons in American Samoa, Guam, and CNMI provide consecutive interpretation in Samoan, Chamorro, or Carolinian at a total of 17 public engagement events in FY 2024.

We also worked with the cultural liaisons to create and translate outreach materials for these events. The cultural liaisons advertised the events in local newspapers, radio and television interviews, and using social media. They announced the events in their communities and organized meetings with various community leaders before and after the events. They advised us on the use of appropriate customs, language, and dress.

Several Pacific Island community members said these events were the best that NOAA had ever hosted. Others provided additional recommendations on how to better engage with them, and we will try to incorporate the suggestions into our future engagement activities. See the Inclusive Governance objective for a full description of these events.

We received several recommendations regarding engagement with Alaska Native communities from our surveyed partners. In the future, we will try to incorporate these suggestions into our outreach and engagement:

- Remote Alaska Native villages rely heavily on Facebook, lecture series (e.g., Strait Science, stored on YouTube), print newspapers, and radio. OPR can call-in to attend or present at the lecture series and radio shows. (As a follow up to listening sessions that were held with Alaska natives in Nome, Utqiagvik, and Savoonga in September 2023, OPR is planning on participating in a Strait Science talk in May 2024.)
- OPR can improve engagement with Alaska Native hunters and villages via early communications and using the above methods for notifications.

To further incorporate EEJ into our outreach and engagement, OPR commits to supporting the actions, metrics, and resources identified in Table 2.

Table 2: Outreach and Engagement: Actions, Metrics, Resources Needed, and whether the action addresses a focal area of the EJ Scorecard. Actions, metrics and EJ Scorecard focal areas that have already been or continue to be

implemented are marked with an asterisk (*). Actions addressing climate change impacts marked with two asterisks (**).

Actions	Metrics	Resources Needed	EJ Scorecard
1. Leverage existing information and community ties to engage with underserved communities.*	<ul style="list-style-type: none"> ● Number of events provided in local language with translated materials (19*) ● Number of updates provided to underserved communities ● Number of individuals from underserved communities we reach through agency communication methods (100+*) 	<ul style="list-style-type: none"> ● Staff time 	Engagement*
2. Learn from existing community ties (e.g., listening and learning sessions with community members and local organizations) the best methods for communication. Consider accessibility in terms of language, distribution method (in-person, print, social media, etc.), and cultural protocols.*	<ul style="list-style-type: none"> ● Percentage of communication plans and strategies that are responsive to cultural norms and community context (100%*) 	<ul style="list-style-type: none"> ● Staff time ● Community input ● Additional funds for engagement ● Staff training 	Engagement*
3. Provide outreach, mentorship, and training for underserved communities regarding how to navigate NOAA Fisheries’ internship and job application process.*	<ul style="list-style-type: none"> ● Development of online application resource ● Number of public outreach events targeted at underserved communities (5*) ● Number of underserved communities receiving access to technical expertise and subject matter experts (2*) 	<ul style="list-style-type: none"> ● Staff time ● Coordination with NOAA Office of Education and HR ● Communications plan to reach key audiences 	Engagement* Tribal Consultation
4. Ensure all internships and fellowships are paid.*	<ul style="list-style-type: none"> ● Number of paid internships and fellowships (5*) 	<ul style="list-style-type: none"> ● Additional funding for internships 	Engagement*
5. Engage with coastal communities threatened and impacted by climate change.**	<ul style="list-style-type: none"> ● Number of engagements regarding climate change 	<ul style="list-style-type: none"> ● Staff time 	Engagement

Actions	Metrics	Resources Needed	EJ Scorecard
6. Create outreach materials and events developed with and for each underserved community.*	<ul style="list-style-type: none"> • Number of communication products (brochures, media posts, etc.) or outreach events (meetings, presentations, workshops, etc.) (19*) • Underserved community satisfaction with the communication products and outreach events (Improving*) • Underserved community awareness of NOAA Fisheries’ presence (High) 	<ul style="list-style-type: none"> • Staff time • Additional funding to hire language experts for interpretation and translation • Additional funding to hire community liaisons • Additional funds for outreach materials and events • EEJ training • Use of outreach funding 	Engagement*

Inclusive Governance

OPR strives to enable and encourage meaningful involvement of underserved communities during the public comment periods of our decision-making processes. We have incorporated EEJ into our governance process by first improving our outreach and engagement practices, as described in the section above. We have also changed our approach to public hearings and informational meetings. OPR acknowledges the trust responsibility and treaty obligations of the United States toward Indian tribes and tribal members and its government-to-government relationship with tribes.

The Federal Government typically engages the public in the rulemaking process during the public comment period. During this time, the public may comment on a proposed rule online, via mail, or during a public hearing, if one is available. The ESA requires us to promptly hold one public hearing, if requested within 45 days of publishing a proposed regulation in the *Federal Register*, for any regulation proposed to classify a species or to designate or revise an existing designation of critical habitat. Based on our previous experiences and engagement, we learned that, for issues of interest to underserved communities, it is better to plan ahead for public hearings and allow up to 90 days for comments. We learned that hosting informational meetings ahead of public hearings allows time to explain the proposed action and address questions about that action. As described above, we learned to translate materials and provide local language interpretation for these meetings and hearing.

To prepare for three proposed regulations under the ESA, OPR contracted the services of facilitators/interpreters and cultural liaisons in FY 2023. The facilitators/interpreters were contracted under a partnership with USFWS (Spanish interpretation for Puerto Rico) and using program funds (Spanish interpretation for California). We announced these virtual public hearings and informational meetings in the *Federal Register*, in USA Today, and on our webpages. We asked participants to register ahead of time and indicated that translation would be available. At the beginning of the call, participants were asked whether they wanted to participate in English or Spanish and were sent to the corresponding virtual meeting. The contractor arranged for two interpreters for each call: one to interpret from Spanish to English, and one to interpret from English to Spanish. During our informational meeting, we presented information in English and Spanish. All questions in Spanish were translated into English for OPR staff to answer, and all answers were translated back into Spanish. During the public hearing, we received comments in English and Spanish, demonstrating that providing this service allows more people to engage in the process. This was the first time that OPR used simultaneous and consecutive interpretation, and it was a success. We hope to continue to incorporate these services into future virtual informational meetings and public hearings. In some instances, these services may not

require additional funds. During our virtual informational meeting and public hearing, staff from USFWS provide consecutive interpretations between Hawaiian and English.

The Pacific Island cultural liaisons were contracted using carry-over funds from FY 2022 (\$98,000) and FY 2023 (\$44,000). These funds were used to support 17 in-person informational meetings and public hearings (i.e., events) regarding the three ESA proposed actions. The cultural liaisons were community leaders from American Samoa, Guam, and CNMI, fluent in Samoan, Chamorro, or Carolinian. The cultural liaisons guided the logistics, communications, and cultural sensitivities required for each event. Their local contacts, knowledge, and presence provide an unparalleled opportunity to engage with and hear from community members.

OPR met virtually with the cultural liaisons three times prior to arriving on-island for the events. The purpose of these calls was to share information about the proposed action, identify appropriate venues, create and review announcements and supporting materials, and create event agendas and scripts. The cultural liaisons posted and advertised the events using local and social media. They translated all materials into Samoan, Chamorro, or Carolinian. They used local vendors to print all materials and provide all necessary support for the events (e.g., audio-visual services, refreshments, etc.). They identified the need for and organized meetings with local government officials and other important stakeholders. They reserved and set up the venues prior to the events. They traveled with OPR staff to lead, facilitate, and interpret events at outer islands, as requested.

The cultural liaisons led and facilitated all 17 events. They welcomed the community and explained the purpose of the event in Samoan, Chamorro, or Carolinian. During the informational meeting, they interpreted questions and answers as necessary. They opened the public hearing by asking for community comments. At the end of the hearing, they thanked the community and provided a closing in Samoan, Chamorro, or Carolinian.

After the events, the cultural liaisons organized and/or accompanied OPR staff to meetings with governors, mayors, territorial agencies, organizations, and other interested community members. They organized two formal meetings with the mayors of Tinian and Rota, CNMI, to understand their concerns about a critical habitat designation and how that might impact their islands. The cultural liaisons translated comments, as needed, to include in transcripts. They provided suggestions to improve future events. They highlighted areas that required follow-up to ensure that we received and understood each community's input on our proposed action.

The involvement of the cultural liaisons demonstrated to the communities that we valued their time, input, and culture. Because we worked so closely with the cultural liaisons, we were able to identify possible concerns ahead of time and speak directly to those concerns. The cultural liaisons' translations and interpretations effectively communicated our messages to the communities and allowed their concerns to be heard and addressed. The public comments reflected the importance of these proposed ESA actions to communities in the Pacific Island territories. While most commenters did not necessarily agree with these actions, some stated that the public comment process was much improved. We also received input on how to better involve underserved communities in the public comment process, including earlier and sustained communication, more virtual and in-person engagement, and more time for commenting.

From our surveyed partners, we received additional input on how to further involve underserved communities in the public comment process:

- OPR should make an intentional effort to build and rebuild relationships of trust. Trust building is time consuming and resource intensive, but it is essential to receive and understand community comments.

- OPR should work directly with Alaska Native communities and organizations to address their concerns related to climate change, diseases, fish (anadromous, marine) numbers/runs, harmful algal blooms, marine mammals, and subsistence (food safety, food security).

In FY 2024, OPR participated in a workshop entitled, [Protecting Whales in a Changing Climate through MPA Collaboration: Identifying Research Needs and Planning for Effective Implementation](#). OPR coordinated with multiple partners on the cross-cutting issues of whale conservation and climate change. OPR worked with marine protected area managers, Indigenous conservation leaders, and policy-makers in North and Central America to create a network of protected areas and conservation measures that would protect whales (and the people who depend on them) in a changing climate. A second workshop will be held in FY 2025.

Recognizing the importance of marine mammal parts for cultural use by many tribes and native communities, OPR has been working to review and potentially revise our existing policies and regulations on legal transfers of parts obtained from marine mammal stranding events. This process is ongoing.

To further embed EEJ into our governance processes, OPR commits to supporting the actions, metrics, and resources identified in Table 3.

Table 3: Inclusive Governance: Actions, Metrics, Resources Needed, and whether the action addresses a focal area of the EJ Scorecard. Actions, metrics and EJ Scorecard focal areas that have already been or continue to be implemented are marked with an asterisk (*). Actions addressing climate change impacts are marked with two asterisks (**). highlighted.

Actions	Metrics	Resources Needed	EJ Scorecard
<p>1. Increase and improve opportunities for underserved communities to engage in the decision-making process, including in public meetings. When hosting meetings in local communities, support local businesses for services (e.g., meeting spaces, travel, etc.) where possible and consistent with federal travel requirements.*</p>	<ul style="list-style-type: none"> ● Number of methods implemented to increase participation in meetings (3: social media, local newspaper, and radio/television*) ● Diversity of platforms and methods used to make public meetings accessible to underserved communities (2: virtual and in-person*) ● Frequency and timeliness of engagement with community representatives to ensure communication methods are effective (19 events*) ● Number of public meetings and other engagement in underserved communities and number of attendees (30+ and 100+*) ● Percentage of public meeting notices and documents in languages used by constituency and with translation and interpretation services available (100%*) 	<ul style="list-style-type: none"> ● EEJ training for staff and advisory body members ● Staff time ● Additional funds for participants' travel ● Additional funds for facilities rental, equipment, supplies, translation, interpreters, etc. 	<p>Engagement*</p>

Actions	Metrics	Resources Needed	EJ Scorecard
2. 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.*	<ul style="list-style-type: none"> • Number of regional and national outreach lists including these groups • Number of meetings scheduled to brief government officials in underserved communities (30+*) • Satisfaction of attendees on the effectiveness of the outreach efforts (Increasing*) 	<ul style="list-style-type: none"> • Staff time • Additional funding to hire community liaison • Additional funding for travel 	Engagement*
3. Coordinate with municipal, state, and tribal governments, other federal agencies, and non-government organizations on cross-cutting issues that impact underserved communities, such as ESA regulations and climate change.**	<ul style="list-style-type: none"> • Number of meetings, workshops, or outreach events to focus on cross-cutting issues affecting underserved communities (3*) 	<ul style="list-style-type: none"> • Staff time • EEJ training 	Engagement*
4. Continue to honor tribal sovereignty, treaty rights, and the federal trust responsibility. Strengthen relationships with tribes, especially in regards to climate change impacts and protected resources.*	<ul style="list-style-type: none"> • Number of consultations, informal coordination, or outreach efforts with tribal nations • Number of policies or regulations updated to ensure EEJ needs are met, consistent with the statutes • Satisfaction of tribal nations with the consultation or other outreach process and outcomes 	<ul style="list-style-type: none"> • Staff time 	Tribal Consultation*

Equitably Distribute Benefits

OPR provides benefits to communities through funding opportunities. 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. OPR has incorporated EEJ into our benefits distribution practices through our management of the Species Recovery, Tribal, and Prescott grant programs.

Under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), OPR annually funds [Species Recovery Grants to Federally Recognized Tribes](#) to support tribally led management, research, monitoring, and outreach activities that have direct conservation benefits for species listed under the ESA, recently delisted species, and proposed species. We describe two projects in the Research and Monitoring section below. In FY 2024, we identified potential barriers that tribes may face when applying for funds. We addressed some of the barriers and inequities in FY 2024 and will more fully address these in FY 2025. This program exclusively funds projects organized, led, and conducted by federally recognized tribes. We track and report the funding going to tribes on our website.

Under section 6 of the ESA, OPR administers the Species Recovery Grants to States Program. These funds support management, research, monitoring, and/or outreach activities that have direct conservation benefits for listed species

under the ESA within that state. We describe two projects in the Research and Monitoring section below. To further promote EEJ, the program’s Notice of Funding Opportunities now states “we encourage proposals that clearly support diversity and inclusion and promote underrepresented groups in Science, Technology, Engineering, and Math (STEM) fields” and that “Proposals involving public education and outreach should demonstrate a high probability of improving or increasing public understanding of and participation in conservation activities, particularly for underserved communities and underrepresented groups.”

The Prescott Grant Program provides grants to eligible marine mammal stranding network participants and collaborators, and we are statutorily required to distribute Prescott funds equitably across stranding regions. Since FY 2022, diversity, equity, and inclusion has been a consideration in the high technical ranking, is reflected in the overall score, and encourages all grant recipients to intentionally consider EEJ in their projects. Grants have not yet been funded for FY 2024, but we received 66 proposals from various entities, including one tribe, across all stranding regions. Three examples of proposals targeting underserved communities are: 1) from the Aleut Community of St. Paul Island for marine mammal response, 2) from the Seward Association for the Advancement of Marine Science to train remote responders in Alaska, and 3) from Mystic Aquarium to expand engagement with underserved communities in Connecticut. We keep track of the awards with highly impactful diversity, equity, and inclusion initiatives. Because the Prescott Grant program has limited funds, the impact to any one community may be small.

Our surveyed partners made several suggestions for how we can make grant applications more accessible to underserved communities and distribute benefits more equitably. We will consider whether to address these ideas in the future, after evaluating the extent to which they may be feasible under applicable legal authorities and budget availability.

- Invest in the long-term process of trust building
- Provide grants with longer duration
- Provide grant writing/permit application training to communities and organizations
- Most Alaska Native villages do not have the capacity and expertise to apply for and successfully administer grants. Possible suggestions to address these barriers include: 1) OPR staff explains the grant process; 2) OPR staff collaborates directly (e.g., in the field) with Alaska Natives for monitoring, research, etc.; 3) OPR works with a third party to collaborate and oversee the work by Alaska Native hunters, where greater than 75% of the funds are distributed to the Alaska Native hunters; and 4) OPR contributes more funds and more staff time to the Alaska Native Science and Engineering Program that resulted in college degrees for numerous Alaska Natives, which is important to succession in Alaska Native leadership and organizations.
- OPR could fund Alaska Native subsistence hunters to help identify food safety and security issues

To further incorporate EEJ into our outreach and engagement, OPR commits to supporting the actions, metrics, and resources identified in Table 4.

Table 4: Benefits: Actions, Metrics, Resources Needed, and whether the action addresses a focal area of the EJ Scorecard. Actions, metrics and EJ Scorecard focal areas that have already been or continue to be implemented are marked with an asterisk (*).

Actions	Metrics	Resources Needed	EJ Scorecard
1. Identify and address, to the extent possible, potential barriers that underserved communities may face when accessing NOAA Fisheries' benefits and services, including agency acquisition and financial assistance opportunities.* Work to incorporate EEJ considerations (e.g., generational inequities) into all competitive funding opportunities, to the extent possible and permitted by applicable law.	<ul style="list-style-type: none"> • Number of staff trained to identify and combat unconscious bias in funding decisions • Number of grant/funding/contracting program selection criteria reviewed and modified (1*) • Feedback on accessibility of benefits and services* 	<ul style="list-style-type: none"> • Staff time • EEJ training 	Tribal Consultation*
2. Track and report the percentage of grants, projects, marine resource allocations, restoration funds, and other funding going to underserved communities.*	<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"> • Staff time • Approval from Office of Information and Regulatory Affairs 	Tribal Consultation*
3. Incorporate EEJ considerations into decision-making about resource allocations, to the extent consistent with applicable law.*	<ul style="list-style-type: none"> • Number of programs that incorporate EEJ into allocation decision-making 	<ul style="list-style-type: none"> • Staff time • EEJ training 	Tribal Consultation*

Research and Monitoring

The ESA and MMPA require OPR to base many of our management decisions on the best scientific data and information available. NOAA Fisheries has used Indigenous Knowledge (IK) to inform our decisions, and will continue to consider IK along with other available data, to determine what constitutes the best available information for particular decisions. While conducting research and monitoring is not a primary responsibility for OPR, we do provide funding for these activities. Research and monitoring funding provides several benefits to communities including economic support through program funding and employment, encouraging interaction with nature, and gathering information about their environment. OPR has incorporated EEJ into our research and monitoring funding and will continue to do so in the future.

Under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), we administer Species Recovery Grants to Tribes to support tribally led research and monitoring activities that have direct conservation benefits for species listed under the ESA, recently delisted species, and proposed species.

In FY 2024, we have continued to fund the Native Village of Kotzebue Tribe \$197,792 to continue their work (total funding \$407,345) on passive acoustic monitoring to study bearded seals and ringed seals in Kotzebue Sound, Alaska. In addition to investigating the spatiotemporal distribution of seals, this research has a climate change component: investigating the seals' relationship to ice concentration. The Tribe proposes to publish at least one peer-reviewed scientific paper and provides information to the Kotzebue community via flyers and posters.

In FY 2024, we have continued to provide the Makah Tribe with funding (\$99,250) to continue their work (total funding \$298,817) on improving knowledge on Chinook salmon movements, survival, and stock composition to inform modeling and management decisions for Southern Resident killer whales. The Makah Tribe’s Fisheries Management Department proposes to write a manuscript on the project’s results and to host a local Natural Resource Fair for the local community to share results.

Under section 6 of the ESA, we administer the Species Recovery Grants to States Program to support research and monitoring activities that have direct conservation benefits for listed species under the ESA within that state. In FY 2024, OPR continued funding two Alaska Department Fish and Game projects that include EEJ considerations. We provided \$126,740 in FY 2024 (total funding \$875,632 over 3 years) for a collaboration with Alaska Native Organizations to study the Western Distinct Population Segment of Steller sea lions. Specifically, they co-developed and co-produced research on the effects of marine heatwaves on adult female survival, foraging, health, and diet. This study of emerging climate change impacts is important to protecting the future of both the species and Alaska Native communities.

In FY 2024, we also provided \$90,422 (total funding \$265,663 over 3 years) to survey the subsistence harvest of ringed, bearded, spotted, and ribbon seals in Alaska. This project includes IK to document and report the current subsistence harvest of ice seals in Alaska Native communities that have historically harvested the most seals regionally. The threatened seal species haul out, give birth, and nurse on ice. It is important to document subsistence harvest of these seal populations because the impacts of climate change (i.e., loss of sea ice) may lead to population decline and less subsistence resources for Alaska Native communities.

Additionally, in FY 2024, we provided the Maine Department of Marine Resources (MDMR) with \$96,590 (total funding \$444,249) to begin their project determining approaches to inform migratory connections, demography, and population estimates of Atlantic and shortnose sturgeon in the Gulf of Maine, while promoting public engagement for conservation. In particular, MDMR proposes to build on a recent collaboration with Indian Island School and the Penobscot Nation Natural Resources Department to develop a program to share sturgeon research with youth at the Indian Island School. The two main goals are to reconnect Penobscot Youth with sturgeon and to engage and encourage Penobscot youth to pursue careers in natural resource management.

The Prescott Grants Program also supports research and monitoring by funding projects that are led by standing network participants and collaborators, which include tribes and minority serving institutions. Many of the funded projects involve interns, volunteers, and graduate students, including those from underserved communities. Grant recipients are highly encouraged to fairly compensate their interns, recruit from underserved communities, and provide outreach opportunities to all people within their communities.

To embed EEJ into our research and monitoring funding, OPR commits to supporting the actions, metrics, and resources identified in Table 5.

Table 5: Research and Monitoring: Actions, Metrics, Resources Needed, and whether the action addresses a focal area of the EJ Scorecard. Actions, metrics and EJ Scorecard focal areas that have already been or continue to be implemented are marked with an asterisk (*). Actions addressing climate change impacts are marked with two asterisks (**).

Actions	Metrics	Resources Needed	EJ Scorecard
<p>1. Promote meaningful involvement of underserved communities throughout the research process. This includes research and monitoring for climate change, protected species, and habitat protection. Such projects should incorporate IK and proceed consistently with applicable legal requirements and policies.*</p>	<ul style="list-style-type: none"> ● Engagement of underserved communities in research and monitoring priorities (100%*) ● Involvement of underserved community members in the data collection process (100%*) ● Reporting of findings to underserved communities and those who contributed to the research (100%*) ● Percentage of projects that meaningfully involve underserved community members during planning, fieldwork, and reporting (100%*) ● Number of research collaborations with Historically Black Colleges and Universities, minority-serving institutions, tribal colleges, and community colleges ● Underserved community satisfaction with the NOAA Fisheries research and monitoring process 	<ul style="list-style-type: none"> ● Staff time ● EEJ training ● Additional funding to pay study participants 	<p>Tribal Consultation*</p>
<p>2. Include IK in protected resources, habitat, climate, and ecosystem-based science, consistent with applicable statutory requirements (e.g., best scientific information available for certain ESA actions).*</p>	<ul style="list-style-type: none"> ● Number of projects and products that incorporate IK in their data collection and reporting (1*) 	<ul style="list-style-type: none"> ● Current staff time ● EEJ training ● Additional funding to compensate community members providing IK 	<p>Tribal Consultation*</p>
<p>3. Increase co-production and co-development (e.g., meaningful involvement of underserved communities) in research and monitoring, to the extent consistent with applicable law.*</p>	<ul style="list-style-type: none"> ● Number of research projects involving representatives from underserved communities (1*) ● Underserved community satisfaction with processes 	<ul style="list-style-type: none"> ● Staff time ● EEJ training ● Additional funding to compensate for participation ● Additional funding to hire community liaisons 	<p>Tribal Consultation*</p>
<p>4. Fund projects to understand how climate change impacts protected resources and ecosystems.**</p>	<ul style="list-style-type: none"> ● Number of projects funded (2*) 	<ul style="list-style-type: none"> ● Staff time 	<p>Tribal Consultation*</p>

Policy and Planning

OPR implements the ESA and MMPA, which recognize the relationship of tribes to the natural resources protected under these statutes. In June 1997, the Secretary of Commerce and Secretary of the Interior issued a joint Secretarial Order (No. 3206) [American Indian Tribal Rights, Federal Tribal Trust Responsibilities, and the Endangered Species Act](#) to clarify their responsibilities when actions taken under authority of the ESA and associated implementing regulations affect, or may affect, Indian lands, tribal trust resources, or the exercise of American Indian tribal rights. 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.

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.

OPR has incorporated EEJ into our policy and plans by publishing the “Tribal Engagement Strategy for ESA Section 7 Consultations.” This guidance was developed to facilitate tribal engagement in the conservation and recovery of ESA-listed species under NOAA Fisheries’ jurisdiction as it pertains to the ESA consultation process. This guidance focuses on engaging with tribes in ESA consultations where NOAA Fisheries believes there may be an effect on tribal trust resources or where tribes may have an interest in a given ESA consultation (e.g., based on prior experience, known or suspected impacts to tribal trust resources, prior communications with tribes, size/location of area affected, previous tribal engagement on similar actions, or expressed tribal interest). OPR is committed to honoring this relationship and upholding our trust responsibilities and obligations to federally recognized tribes.

In FY 2024, OPR staff provided guidance on the "Report of a Workshop to Assess Impacts of Climate Change on Sea Turtle Threats" from the 41st International Sea Turtle Symposium in 2023.

Recognizing the importance of marine mammal parts for cultural use by many tribes and native communities, OPR has been working to review and potentially revise our existing policies and regulations on legal transfers of parts obtained from marine mammal stranding events. This process is ongoing.

To further incorporate EEJ into our policies and plans, OPR commits to supporting the actions, metrics, and resources identified in Table 6.

Table 6: Policy and Plans: Actions, Metrics, Resources Needed, and whether the action addresses a focal area of the EJ Scorecard. Actions, metrics and EJ Scorecard focal areas that have already been or continue to be implemented are marked with an asterisk (*).

Actions	Metrics	Resources Needed	EJ Scorecard
1. Issue guidance on how to incorporate EEJ into OPR activities.*	<ul style="list-style-type: none"> ● Number of policies and plans including EEJ objectives (1*) ● Community engagement protocols for underserved communities into policies and plans 	<ul style="list-style-type: none"> ● Staff time ● EEJ training 	Tribal Consultation*
2. Review existing policies and regulations on legal transfers of parts	<ul style="list-style-type: none"> ● Publish proposed regulation for public review 	<ul style="list-style-type: none"> ● Staff time 	Tribal Consultation