

Conserving and Restoring America the Beautiful

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December 7, 2021



New England
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Request for Information – Council input?

- NOAA issued a request for information (RFI) on October 29, 2021, related to Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (*Document #7a*).
<https://www.govinfo.gov/content/pkg/FR-2021-10-29/pdf/2021-23590.pdf>
- The Order directs several federal agencies to recommend steps that should be taken to achieve the goal of conserving at least 30 percent of U.S. lands and waters by 2030 (A.K.A. “30x30”).
- A preliminary report on Conserving and Restoring America the Beautiful (ATB) was prepared outlining the principles and areas of focus that should guide this process.
<https://www.doi.gov/sites/doi.gov/files/report-conserving-and-restoring-america-the-beautiful-2021.pdf>
- Comments due December 28, 2021.

- Executive Committee met on Nov. 18 and requested staff draft a comment letter for Council review (*Document #7b*).
- Outline of draft letter:
 - Page 1 - Background about the important role of the Councils in this initiative and CCC ABM Subcommittee efforts to date.
 - Page 2 - Handful of high-level comments.
 - Pages 3-6 - Responses to seven specific questions in RFI.
- *Note - As CCC ABM Subcommittee completes work through CCC there may be additional comments/suggestions from the CCC.*



High-level Comments

- Area-based management is just one conservation tool. There are other beneficial conservation measures NOAA implements, and their role as a consulting agency is critical as well.
- The definition of conservation area should be broad; it should not be required to be a “no-take” area. Allowing well-regulated fishing can still be consistent with the goals of the America the Beautiful Report.
- No areas are without some level of activity. Additional pressures like offshore wind and aquaculture development are imminent and will increase competition for ocean space. Therefore, conservation and restoration plans need to be holistic, balanced, and realistic.
- After the Atlas is developed, a specific process must be used to add/change/remove conservation areas. Fishery conservation and management is adaptive; areas should not be static or permanent.



Specific responses

1. *Which of NOAA's existing authorities and associated measures, as listed above, are most appropriate for addressing the threats identified in the Report?*
 - **MSA** - primary law used to implement fishery conservation areas. The ten National Standards are consistent with the core principles of the ATB Report. Essential fish habitat provisions provide additional authorities for NOAA coordination and consultation with other federal and state agencies.
 - Other relevant authorities are the **National Marine Sanctuaries Act, Marine Mammal Protection Act, Endangered Species Act, Coral Reef Conservation Act, and Coastal Zone Management Act.**
 - In addition, **NOAA is a consulting agency with other federal entities** like the US Army Corps of Engineers, Bureau of Ocean Energy Management, US Coast Guard, and Environmental Protection Agency.
 - The **Antiquities Act** has been used to implement conservation areas in the US EEZ, but the Council does not believe that is the most appropriate use of that authority. MSA is more consistent with the ATB principles such as transparency and locally led efforts.

2. *Should NOAA better apply its existing authorities and associated measures?*

- NOAA should continue to develop fishery conservation areas and other management measures in the US EEZ through the regional council process under MSA to advance the goals and recommendations in the Report.
- This process ensures public participation and is most consistent with the core principles of the ATB Report.
- NOAA should continue, or even expand its role as a consulting agency for projects proposed in state and federal waters.



3. *What criteria should NOAA consider to identify existing or potential new “conserved” or “restored” areas?*

- As part of the CCC, the Council is recommending potential criteria for potential new or restored conservation areas. Until those criteria are identified, in general terms, the Council believes that any criteria used must recognize the full range of ecological services that are provided by the ocean. Criteria should allow for managed, sustainable use of ocean resources in order to benefit the nation.



4. *What additional scientific information, Indigenous Knowledge, or other expertise should NOAA consider?*

- Numerous data sets available for tracking climate change. However, many uncertainties still exist, and it will be important to incorporate local knowledge from all ocean users to fill data gaps. Efforts should be made to incorporate these observations as much as possible.
- NOAA should also invest in evaluating the potential impacts of climate change on fishing communities and related industries.
- Fishery managers along the East Coast have recently undertaken a separate initiative focused on the potential effects of climate change on fisheries management and governance (*East Coast Climate Change Scenario Planning*). NOAA should track this initiative and incorporate any relevant findings.



5. *How should NOAA consider tracking its actions and measuring its progress?*

- Report should clearly define “conserve.”
- Critical the first annual report accurately describes the baseline, should expand beyond conservation areas.
- Specific metrics should be defined for measuring progress and NOAA should engage with the Council and other end users to ensure the metrics are useful and relevant.
- This initiative could impede adaptive management if area-based measures are presumed to be permanent. Fisheries are dynamic and marine ecosystems are complex, area-based management must be flexible.
- Climate change will inevitably require fisheries management to be even more adaptive; to remain effective closures cannot be static. If an area is included in the Atlas that should not mean it can never be removed or adjusted. NOAA should be clear that the Councils retain the authority to modify existing conservation areas.



6. *Actions NOAA should consider taking to support non-Federal entities, including tribal, state, territorial, and local governments and non-governmental organizations and other private entities?*

- The Council process is already designed to consider the interests of these entities. NOAA should support and encourage programs designed to increase outreach and engagement of more stakeholders in the Council process.
- It will be necessary to develop specific outreach initiatives to reach stakeholders that are not already engaged.
- The Atlas and annual reports should include interactive tools, so they are user friendly.
- Specific outreach and education programs could be established to review the Atlas and annual review reports to improve participation and ensure utility and transparency.



7. *What actions NOAA should consider taking to facilitate broad participation?*

- NOAA has already hosted several listening sessions; however, this is a long-term initiative that will require active engagement over a minimum of ten years. More specific outreach is needed in addition to that method.
- NOAA should plan for regular updates on the Atlas and annual reviews with all eight Councils as well as other regional bodies.
- NOAA should consider identifying a new advisory body for this initiative.

8. *What additional information NOAA should consider as relevant to its role in implementing the America the Beautiful initiative.*

Any suggestions?



Approve draft letter?

- Additional high-level comments?
- Additional specific feedback for Questions #1-7?
- Specific input for Question #8?
What additional information NOAA should consider as relevant to its role in implementing the America the Beautiful initiative?
- *Motion to approve and send draft letter to NOAA on Executive Order 14008, as amended today.*

Want to track America the Beautiful initiative?

<https://www.noaa.gov/america-the-beautiful>

