

Additional Information on Three Provisions of the Infrastructure Investment and Jobs Act that Authorize NOAA to Provide Funding to Tribes

Fish Passage Restoration: \$400 million to enhance fish passage by removing barriers and providing technical assistance over five years under the Magnuson-Stevens Fisheries Conservation and Management Act (15% of funding reserved for tribes).

The Infrastructure Investment and Jobs Act states that \$400,000,000 shall be for restoring fish passage by removing in-stream barriers and providing technical assistance pursuant to section 117 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16U.S.C. 1891a), of which up to 15 percent shall be reserved for Indian Tribes or partnerships of Indian Tribes in conjunction with an institution of higher education, non-profit, commercial (for profit) organizations, U.S. territories, and state or local governments. Provided further, That under this heading the term Indian Tribe shall have the meaning given to the term in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 5304): Provided further, That nothing under this heading in this Act shall be construed as providing any new authority to remove, breach, or otherwise alter the operations of a Federal hydropower dam and dam removal projects shall include written consent of the dam owner, if ownership is established.

The NOAA Fisheries Office of Habitat Conservation will implement the fish passage provision of the Infrastructure Investment and Jobs Act through a competitive grant process over five years under the Community-based Restoration Program, authorized under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891a). Office of Habitat Conservation staff are experts from a diverse array of fields, including fisheries biology, engineering, project management, and natural resource economics. We are able to offer our collective expertise to help navigate hurdles that may arise, from project conception to completion.

NOAA is conducting this tribal engagement to receive feedback in the following areas:

1. How can NOAA align this fish passage funding with tribal priorities and needs?
2. NOAA will use a grant mechanism that results in cooperative agreement to allocate these funds. What are your recommendations for how NOAA awards these funds to engage with and support tribes, including funding going directly to tribes and funding going to other tribal serving or partner organizations?

Pacific Coastal Salmon Recovery Fund (PCSRF): \$172 million to support recovery efforts for Pacific coastal salmon.

The PCSRF program objective is to supplement existing state and tribal programs for salmon and steelhead restoration and conservation by allocating federal funding using a scientific and merit-based competitive grant process to activities that provide demonstrable and measurable benefits to Pacific salmon and steelhead and their habitat. Eligible projects include activities that contribute to (1) recovering Pacific salmon and steelhead listed under the Endangered Species Act (ESA) or that are identified by a State as at-risk to be so listed, (2) supporting Pacific salmon and steelhead species important to tribal treaty and trust fishing rights and native subsistence fishing, and (3) conserving Pacific salmon and steelhead habitat.

To distribute funds efficiently in fiscal year 2022, NOAA's National Marine Fisheries Service will seek applications under its existing PCSRF grant competition for projects. Consistent with the PCSRF authorization, Indian tribes, representative tribal commissions and consortia are exempt from any cost share requirement.

NOAA is conducting this tribal engagement to receive feedback in the following areas:

1. Are there modifications or refinements needed to increase accessibility to these funds for tribes and tribal commissions/consortia?
2. Should these funds have different priorities than the preexisting PCSRF grant program? For example, prioritizing these funds for large scale projects that address primary limiting factors?
3. How can the PCSRF grant program further support tribes and tribal commissions/consortia on Pacific salmon & steelhead recovery efforts?
4. Are there other ways to determine the allocation of funds amongst tribes and tribal commissions/consortia to achieve desired outcomes for Pacific salmon recovery?

Regional Ocean Partnership: \$56 million to enhance Regional Ocean Partnerships for the coordination of interstate and intertribal management of ocean and coastal resources.

This investment will enhance Regional Ocean Partnerships, which are voluntary, multi-state, typically Governor-established forums that identify shared priorities and take action on a diversity of ocean and coastal issues important to their geographies. With NOAA's support, these long-standing partnerships provide coordination and collaboration across states, tribes and federal agencies on regional coastal and ocean issues.

NOAA intends to fund two distinct activities each year: 1.) for established Regional Ocean Partnerships (ROPs) to coordinate the interstate and intertribal management of ocean and coastal resources and to implement their priority actions; and 2.) to enhance associated sharing and integration of Federal and non-Federal data by ROPs, or their equivalent.

In Fiscal Year 2022, funds will be distributed to four identified ROPs (listed below) although there may be additional eligible entities in future years:

- the Gulf of Mexico Alliance (<https://gulfofmexicoalliance.org/#>)
- the West Coast Ocean Alliance (<https://westcoastoceanalliance.org/>)
- the Northeast Regional Ocean Council (<https://www.northeastoceancouncil.org/>)
- the Mid Atlantic Regional Council on the Ocean (<https://www.midatlanticocean.org/about/overview/>)

NOAA intends to allocate at least 10% of the ROP funds for tribal activities aligned with ROP priorities. This funding will also support enhanced sharing and integration of Federal and non-Federal data by the identified ROPs as well as Integrated Ocean Observing System (IOOS) Regional Associations in the other five regions (listed below):

- Alaska Ocean Observing System (<https://aoos.org/>)
- Great Lakes Observing System (<https://glos.org/>)
- Southeast Coastal Ocean Observing Regional Association (<https://secoora.org/>)
- Caribbean Coastal Ocean Observing System (<https://www.caricoos.org/>)
- Pacific Islands Coastal Ocean Observing System (<https://www.pacioos.hawaii.edu/>)

These funds will increase sharing and dissemination of critical information through regional data portals and increase information sharing among Federal, state, tribal, and private sector partners to support decision-making.

NOAA is conducting this tribal engagement to receive feedback in the following areas:

1. Has your Tribe identified coastal and ocean management issues and priorities? Have you discussed those issues and priorities with other Tribes in the region?
2. Does your Tribe work in coordination with the four established Regional Ocean Partnerships and/or the five IOOS Regional Associations in the other 5 regions listed above? If so, what works well and what aspects need improvement?
3. What types of activities related to ocean resource management priorities or to enhancing sharing of ocean data and knowledge do you anticipate these funds will help support?

4. What are your recommendations for how NOAA awards these funds to engage with and support tribes, including funding going directly to tribes or other tribal serving or partner organizations?

Additional Questions on All NOAA Provisions:

1. What examples do you have of processes that facilitate access to federal funding or missteps from other programs that provide important lessons?
2. What additional information or support would be most helpful to your Tribe in accessing these NOAA funds?
3. What other requests, questions, or feedback do you have for NOAA at this stage?